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RELIGIOUS EDUCATION AND THE STATE

RELIGIOUS EDUCATION AND THE STATE

BY

JEROME K. JACKSON

LATE DEAN OF MEN, GETTYSBURG COLLEGE

AND

CONSTANTINE F. MALMBERG

ASSOCIATE PROFESSOR OF PHILOSOPHY
GETTYSBURG COLLEGE

"If the people do not become religious,
I do not know what is to become of us
as a nation." —DANIEL WEBSTER.

Bangebrake Theological Seminary
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1928

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PREFACE

GEORGE A. COE

What is the actual or the proper relation of "the church" to "the state" in matters educational? This is the form that most inquiries within the field of this book have taken. But what if the factors in question are changing? What if we have a changing state, a changing church, and a changing theory and practice of education? In this case we have something far more difficult to do than merely applying what we conceive to be proper principles. It is conceivable that in the present movement for week-day religious education, for example, the attainment of a satisfactory equilibrium will require the working out of principles largely new.

Even a cursory glance at current events made it plain to Dean Jackson that the total situation is a moving one. The resulting problem then took the form of questions like these: Precisely what, in detail, are the changes that are taking place in the educational relations between the civil and the ecclesiastical power? When these details are compared, do they indicate a drift or general direction of movement? And, in view of the answers to these questions, what

policies on the part of the churches seem to be wise?

Enormous labour was necessary if these inquiries, or even the first of them, were to be answered. For example, in order to make the data comprehensive, and to bring them down to date, it was necessary not only to assemble recent judicial decisions, together with the laws and constitutions back of them, but also significant administrative decisions by boards of education and by superintendents of school systems. Moreover, legislative contests and even defeated bills, though they left no mark upon statute books, were deemed to be significant of the moving consciousness of our time.

The zeal, the industry, and the discrimination with which Dean Jackson attacked this problem are evident in the pages that follow. Of his untimely death just as his feet were approaching the summit of his toilsome way, and of the manner in which his load has been assumed by another and carried to its destination, Professor Malmberg will tell. I crave the privilege, however, of commenting upon the joint authors of this work.

To Dean Jackson the book is a fitting monument—more fitting than bronze or marble, more fitting than any structure that others could rear in memory of him. I knew him as a graduate student, and I watched both the growth of his mind and the progress of his research. Though he had had some years of experience as a college teacher, yet his whole aspect was that

of a youth just starting upon a high adventure. It was refreshing to me, his old teacher, to witness the candour with which he faced issues that were difficult as well as new in his experience. His devotion to truth knew no bounds. He was modest as to his capacities, yet he recoiled from nothing that needed to be done, and he did not faint when he discovered how long was his journey. With his mind it was always morning. I do not wonder that he was wanted as dean of men, though I had the hope that he would have a long career devoted entirely to teaching the principles and the practice of religious education.

It was both the value of Jackson's uncompleted research and the quality of his personality that inspired his colleague, Professor Malmberg, to undertake the extremely difficult task that is now finished. I say "inspired" advisedly. For the undertaking was at once greatly worth while and yet extremely difficult and laborious. The way in which he has entered into Jackson's problems, mastered his data, and skilfully rounded out the research is so striking—is so shining an example of both scholarship and friendship —that, if I could, I would run to tell Jackson about it. I cannot tell him or congratulate him, but I am glad of an opportunity to say that in my judgment this joint work of Jackson and Malmberg will fill an important vacancy in our knowledge and will assist the present generation in making some of its most difficult decisions.

HISTORICAL SKETCH

Dean Jerome K. Jackson, whose work this book represents, was suddenly called from the midst of his friends and work in March, 1927. The manuscript for this volume was being organized into its final form, the first two chapters and part of the third having reached completion at the time of his death. As a former friend and teacher of Dean Jackson, and as an intimate associate and co-worker at Gettysburg College, the undersigned took an interest in the progress of the investigation of Religious Education and the State. This work was being prepared as a doctor's dissertation for Teachers College, Columbia University, and was being developed under the wise supervision of the Department of Religious Education at that institution. A review of the correspondence relative to the planning of this thesis indicates that it was from the well-known leader and authority in the field of religious education, Doctor George A. Coe, that this work received its original impetus, its sustained inspiration, and constant guidance. We believe that Dean Jackson's deep regard and admiration for Dr. Coe are evident in the spirit in which he engaged in this extensive investigation, the per-

sistency with which he gathered his data, and the intense application he employed to organize his material so as to make it available for those interested in the progress of religious education.

Mrs. Jackson, who had followed her husband's work with a loyal and tender interest, and his many friends, who were cognizant of the time and energy spent upon this task and who realized its value, naturally desired to see it completed as a tribute to Dean Jackson's labours, as an evidence of his high character and lofty ideals. Upon the request of Mrs. Jackson, the undersigned assumed the responsibility of completing the unfinished manuscript.

Realizing our inadequacy to do full justice to Dean Jackson's plan and purpose in this investigation, we deeply regret that the work could not be completed by its original author. The unfinished book involved the further organization of the material, the completion of the third chapter, and the writing of the fourth and fifth chapters from the data gathered. In doing this we endeavoured to keep the plan and purpose of our friend Jackson clearly in mind. While we appreciate the interest manifested in this book by many friends, the faculty and students of Gettysburg College and others, we wish especially to express our appreciation to Dr. Coe for his preface to this volume, and for his review of the completed manuscript. It was only after Dr. Coe had reviewed the completed manuscript and had suggested that it should be pre-

sented to a publisher that the undersigned decided to present the same for publication.

Inasmuch as I know that Dean Jackson felt greatly indebted to all of those who so graciously coöperated in sending in responses to the questionnaires and to letters requesting special information, we gratefully acknowledge this service.

We trust that the reader, realizing the difficulty of completing a manuscript not his own, will overlook shortcomings—especially those which might have been absent had the original author completed his work. So we send forth this volume, hoping that its readers will find it profitable and worth while—a contribution to the cause of religious education. Thus will it attain the high purpose in the mind of our friend Jackson, namely, to present the history of Religious Education and the State in the United States since 1900, and to evaluate its present status.

C. F. Malmberg,
Gettysburg College,
Gettysburg, Pennsylvania.

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INTRODUCTION

The Problem and Procedure

Public education, in the early history of the United States, was fostered and controlled by the church, and religion was given a very prominent place in the curriculum. As long as the population remained homogeneous in matters of religion no real difficulties arose. However, with the growth and spread of the population, persons holding to varying religious tenets came to live in one community resulting in disharmony and civic strife concerning what religion should be taught in the schools. To avoid strife and secure harmony the principle of the separation of the church and the state came into being, and has remained as fundamental in the building up of our American democracy. The state, step by step, assumed more and more responsibility in educational matters. The schools, therefore, became less religious and more secularized. By the end of the nineteenth century secularization in public education had become practically complete. The principle of separation does not imply that government and religion are mutually exclusive, but that, in order to avoid civic

strife, education should be supported and controlled by the state and that the teaching of religion should remain in the hands of the church.

Almost immediately following secularization, a movement began to restore religion to a place in the total educational scheme, the state coöperating without doing violence to the principle of separation. During the last twenty-five years, this interest in the reëstablishment of religion as a part of our educational program has gained impetus and has become a vital educational issue.

During the period from 1900 to 1926 definite changes in the relation of state schools to religion have taken place. The problem of this study is to trace and evaluate these changes.

Many changes are noted in the laws passed, in the judicial decisions handed down, and in the opinions rendered by attorneys general relative to: Bible reading; public school time given for religious education; and public school credit for Bible study. In order to determine the changes in the above mentioned relationship, the author has investigated the experiments that have arisen during this period, those that are the result of legal changes as well as those without any specific reference to legislation.

The method of procedure and sources of data:

A. Circular letters were sent to the superintendents of public instruction of each state, requesting specific information concerning:

1. The legal status (laws, decisions, and opinions) of Bible reading and religious education.

2. Public school time for religious education outside the schools.

3. Public school credit for Bible study.

4. A list of the experiments in religious education known in the state in which there was a relationship between the state schools and religion.

B. In the circular letters was also included a request for the names of leaders of individual experiments, that additional and detailed information might be secured from these leaders. The experiments thus reported were investigated through the coöperation of those directly connected with them. In each case, public school people were first consulted as to how their experiments worked and as to what results accrued. The data thus gathered was further supplemented by data gathered from religious leaders who were more immediately in touch with the work.

C. To insure completeness in legal data, state school codes, published collections of laws and decisions relative to the Bible and religious education, and legal libraries, were consulted. Some denominational pamphlets, the current religious educational journals, and the latest books concerning this relationship of state schools and religious education were used as sources of information.

D. These data have been organized, as far as practicable, into tables to show more clearly the

important changes in attitude of various states to religious training. These changes concern only elementary and high schools. They will be considered under the following definite heads:

1. The Legal Status of Bible Reading.
2. Public School Time for Religious Education.
3. Week-day Schools for Religious Instruction and Their Relation to Public Education.
4. High School Credit for Religious Education.
5. Evaluation of Legal Status and Educational Policies.

RELIGIOUS EDUCATION AND THE STATE

RELIGIOUS EDUCATION AND THE STATE

Chapter I

THE LEGAL STATUS OF BIBLE READING IN OUR PUBLIC SCHOOLS

Bible Reading Given More Place in Our Schools.

That the legal status of Bible reading in the public schools has undergone a change since 1900 is very evident from a study of the legislation which has been enacted, and from noting the judicial decisions and opinions rendered by attorneys general. The above indicate a trend very definitely in the direction of giving Bible reading more place in the public schools. However, this does not indicate whether or not the Bible is more widely or less widely read where there have been no legal changes during this recent period.

Legislation Relative to Bible Reading, 1900–1927.

All of the legislation making Bible reading obligatory has been enacted within the period of 1900–1927. Eleven states now have laws requiring that the Bible shall be read daily in the public schools.[1]

[1]See Table 1, p. 5

Oklahoma, in 1914, passed a law which provides that Bible reading shall not be excluded from the public schools of the state. A bill making Bible reading obligatory was defeated in the State of Washington in 1925.

Except for the above mentioned twelve enactments, the legal status of Bible reading has not undergone a change since 1900. No legislation exists in any of the states which directly forbids Bible reading, though the laws of Arizona and Wyoming are construed as forbidding the practice. In the other six states, where Bible reading is not practiced, it has been prohibited either by judicial decision or by opinion of attorney-general. (The decision in Wisconsin was handed down before 1900.[2])

Digests of Laws that Make Bible Reading Obligatory.

The following statements give digests[3] of the laws enacted which require that the Bible shall be read in the schools:

ALABAMA (1919).

Every school supported in whole or in part by public funds shall have readings from the Holy Bible once every day.

DELAWARE (1925).

In each school classroom in the state, at least five

[2]See page 14.

[3]For full text of the laws see Appendix, pages 97–103

verses from the Holy Bible shall be read at the opening of such school.

FLORIDA (1925).

All schools in this state that are supported in whole or in part by public funds are required to have, once every day, readings from the Holy Bible without sectarian comment.

GEORGIA (1921).

Not less than one chapter of the Bible, including the Old and the New Testament, shall be read at some appropriate time during each school day.

IDAHO (1925).

Selections from the Standard American version of the Bible, to be selected from a list of passages furnished by the State Board of Education, shall be read daily in all the public schools.

KENTUCKY (1924).

A portion of the Bible shall be read daily in every classroom or session room of the common schools of the state.

MAINE (1923).

There shall be daily, or at suitable intervals, readings from the scripture, with special emphasis upon the Ten Commandments, the Psalms of David, the Proverbs of Solomon, the Sermon on the Mount, and

the Lord's Prayer. There shall be no denominational or sectarian comment.

MASSACHUSETTS (1921).

A portion of the Bible shall be read daily in the public schools, without written note or oral comment.

NEW JERSEY (1915).

At least five verses from that part of the Holy Bible known as the Old Testament shall be read daily, without comment, in each public school classroom, at the opening of such school.

PENNSYLVANIA (1913).

At least ten verses from the Holy Bible shall be read daily, without comment, at the opening of every public school.

TENNESSEE (1925).

A selection from the Bible shall be read daily at the opening of school, and the same selection shall not be read more than twice a month.

Bible reading specifically permitted.

OKLAHOMA (1914).

Sectarian teaching is prohibited, but this shall not be construed as prohibiting the reading of the Holy Scriptures.

The following tables present the essential facts with regard to the legal status of Bible reading in our public schools:

TABLE NO. 1

Bible Reading Required
(11 States)

Alabama	Idaho	New Jersey
Delaware	Kentucky[1]	Pennsylvania
Florida	Maine	Tennessee
Georgia[1]	Massachusetts	

Bible Reading Specifically Permitted by Law
(7 States)

Indiana	Mississippi	Oklahoma[2]
Iowa	North Dakota	South Dakota
Kansas[1]		

[1]Decision since 1900 favourable to Bible Reading.
[2]Law passed in 1914.

TABLE NO. 2

Bible Reading Permitted
(21 States)

Arkansas	Montana[3]	Rhode Island
Colorado	Nebraska[2]	South Carolina
California[1]	New Hampshire	Texas[2]
Connecticut	New Mexico	Utah
Maryland	North Carolina	Vermont
Michigan[2]	Ohio	Virginia
Missouri	Oregon	West Virginia

[1]Attorney-general opinion holds that the Bible is a sectarian book and cannot be used in the schools in any way. Following this opinion, the Superior Court of Fresno County decided that the Bible is a non-sectarian book. See page 136 for further statement of the case.

[2]Decision since 1900 favourable to Bible reading.

[3]Attorney-general opinion holds that the Bible may be read in the public schools.

In all states not cited in the above notes, the law is silent on the question of Bible reading.

TABLE NO. 3

Bible Reading Forbidden

(8 States)

Arizona[1]	Minnesota[3]	Wisconsin[2]
Illinois[2]	Nevada[4]	Wyoming[1]
Louisiana[2]	Washington[3]	

[1]Law construed by State Board of Education as prohibiting Bible reading.

[2]Court decision holds that Bible reading is a sectarian practice.

[3]Attorney-general holds Bible reading unconstitutional.

[4]Forbidden by ruling of State Superintendent.

Bible Reading Partially Forbidden

(1 State)

New York (Section 1151 of the charter of New York City provides for Bible reading in the public schools of that city. There is no state law either for or against it.)

TABLE NO. 4

Legislation Accomplished and Defeated

(23 States)

Alabama	1919 Bible Law[1]—Passed
Delaware	1925 Bible Law—Passed
California	1925 "Time" Law—Defeated
Colorado	1926 "Time" Law—Defeated
Florida	1925 Bible Law—Passed
Georgia	1925 Bible Law—Passed
Idaho	1925 Bible Law—Passed
Indiana	1925 "Time" Law—Passed but vetoed by Governor after opinion of Attorney General that it is unconstitutional.

[1]Bible Law as used above refers to requiring Bible reading in the public schools, except in case of Oklahoma, which Law permits Bible reading.

Iowa	1925 "Time" Law—Passed
Kentucky	1924 Bible Law—Passed
Maine	1923 Bible Law—Passed
Massachusetts	1921 Bible Law—Passed
Minnesota	1923 "Time" Law—Passed
New Jersey	1903 and 1915 Bible Laws—Passed. 1926 "Time" Law—Referred to the Senate Committee on Education; no action to date.
North Dakota	1925 "Time" Law—Defeated
Oklahoma	1914 Bible Law—Bible not to be excluded —Passed
Ohio	1925 Bible Law—Passed but vetoed by Governor
Oregon	1925 "Time" Law—Passed
Pennsylvania	1913 Bible Law—Passed. 1925 "Time" Law—Referred to the Senate Committee on Education; no action to date.
South Dakota	1923 "Time" Law—Passed
Tennessee	1915 and 1925 Bible Laws—Passed
Washington	1925 Bible Law—"Time" Law—Both defeated
Wyoming	1925 "Time" Law—Defeated

Judicial Decisions Relating to the Bible

Sectarian Instruction in our Public Schools Prohibited by Law.

The question whether the reading from any version of the Bible in the public schools violates any constitutional guaranty or inhibition with regard to religious liberty, sectarianism, or use of public funds in aid of sectarian purposes, has been passed upon in a

number of jurisdictions. Varying constitutional provisions have been invoked as prohibiting such practices, and the facts in different cases have varied. It would seem that, between the sects of the Christian religion at least, the question is whether Bible reading merely emphasizes fundamental morality and religious instruction, or does, in fact, amount to sectarian instruction. It might be stated in general, from the cases studied, that while Bible reading and exercises which merely tend to inculcate fundamental morality in the pupils, are not prohibited, such exercises may be carried so far as to emphasize denominational or sectarian teaching, and thus come within a constitutional inhibition.

In the cases below cited, it will be noted that they are practically without conflict when analyzed in accordance with the principle of inculcating morality and not tending toward sectarian teaching, except in those which involve the rights of non-Christian persons. It is also deducible from these cases that the constitutions and statutes of some states recognize the broad principles of Christian morality, although they prohibit sectarianism.

Digests of Legal Decisions Favourable to Bible Reading.

The following digests give the purport of the decisions rendered favourable to Bible Reading:[4]

[4]For statement of the cases see Appendix pages, 104–123.

GEORGIA (1922).

The case of Wilkerson vs. City of Rome.

A city ordinance requiring some portion of the King James version of the Bible to be read and prayer to be offered daily in the public schools does not infringe upon the constitutional provision securing to every person the right to worship according to the dictates of his own conscience, etc. (American Law Reports, Volume 20, Page 1351.)

KANSAS (1904).

The case of Billard vs. Board of Education.

The repetition of the Lord's Prayer and 23rd Psalm from the Bible as a morning exercise, without comment or remark, for purpose of quieting pupils and preparing them for their daily studies, was not a form of religious worship or the teaching of sectarian or religious doctrine, and did not violate constitutional provision. (American Law Reports, Volume 5, Page 847.) (Also reported in: 69 Kansas 53; 66 L. R. A. 166; 105 Am. St. Rep. 148; 76, Pac. 442; 2 Ann. Cas. 521.)

KENTUCKY (1905).

The case of Hackett vs. Brooksville Graded School District.

A public school opened with prayer and the reading without comment of passages from the King James version of the Bible, during which pupils are not required to attend, is not a "place of worship,"

nor are its teachers "Ministers of religion," within the meaning of constitutional No. 5, providing that no person shall be compelled to attend any place of worship or contribute to the support of a minister of religion. (American Digest—First Decennial—Schools and School Districts No. 165.) (Also reported in: 87 S. W. 732; 27 Ky. Law Rep. 1021; 69 L. R. A. 592; 120 Ky. 608; 117 Am. St. Rep. 599.)

NEBRASKA (1903).

The case of State ex rel. Freeman vs. Scheve.

It was held that the use of the Bible in either version in the public schools was not forbidden either by constitution or statute, and courts may not declare its use unlawful because it is possible or probable that those who use it will misuse the privilege by an attempt to teach their own theological views, but that courts may intervene when use has thus degenerated into abuse. (American Law Reports, Volume 5, Page 845.) (Also reported in: 65 Nebraska 853; 39 L. A. R. 927; 91 N. W. 846.)

TEXAS (1908).

The case of Church vs. Bullock.

The holding of morning exercises in the public schools, consisting of the reading by the teacher without comment, of non-sectarian extracts from the King James version and repeating the Lord's Prayer, and the singing of appropriate songs, in which the pupils are invited, but not required, to join, does not convert

the schools into a place of worship in violation of Constitution, Article 1, Section 6, providing that no one shall be compelled to support "any place of worship," the phrase "any place of worship" meaning a "place where a number of persons meet together for the purpose of worshipping God." (American Digest —Second Decennial—Schools and School Districts No. 3 and No. 165.) (Also reported in: 109 S. W. 115; 104 Texas 1; 16 L. A. R. [N. S.] 860.)

Digests of Legal Decisions Unfavourable to Bible Reading.

The following digests[5] give the purport of the desions rendered unfavourable to Bible Reading:

ILLINOIS (1910).

The case of People ex rel. Ring vs. Board of Education.

The Bible is a sectarian book as to the Jew and every believer in any religion other than the Christian religion and to those who are heretical or who hold beliefs that are not regarded as orthodox. (American Law Reports, Volume 5, Page 845.) (Also reported in: 245 Illinois 334; 92 N. E. 251; 19 Ann. Cas.)

LOUISIANA (1915).

The case of Herold vs. Parish Board of School Directors.

Reading of the Bible, including the New and Old Testament, in the public schools, held a preference given to Christians, and a discrimination against

[5]For more complete account, see Appendix, pages 123–136.

Jews, in violation of Constitution, Article No. 3 and No. 165. (American Digest—Second Decennial—Schools and School Districts.) (Also reported in: 68 So. 116; 136 La. 1034; L. R. A. 1915 D, 942; Ann. Cas. 1916 A, 806.)

The Bible Is Considered a Non-Sectarian Book.

The Bible in Public School libraries:[6]

California (1922).

The case of Evans vs. Selma Union High School District of Fresno County.

The King James version of the Bible is not a sectarian, partisan, or denominational publication, and the mere placing of copies thereof in a public school library is not contrary to the constitution and statute of California relating to religious toleration and requiring the school authorities to exclude from the public schools and school libraries all books, publications or papers of sectarian, partisan, or denominational character. The court avoids decision as to whether reading from the Bible to the pupils, or using it as a basis of instruction, is permissible. (American Law Reports, Volume 31, Page 1120.) (Also reported in: 222 Pac. 801.)

The attorney general held that the Bible is a sectarian book and cannot be used in the schools in any way. Following this opinion the Superior Court of

[6]For more detailed account, see Appendix, pages 136–141.

Fresno County (digest above) decided that the Bible is a non-sectarian book. The case was appealed to the District Court of Appeal, which reversed the trial court and held that the King James version is a sectarian book. The matter was then taken to the State Supreme Court on rehearing and the court set aside the findings of the District Court and sustained the trial court of Fresno County. As the law now stands in California, the Bible is not a sectarian book and no version of it is such. (1924.)

Bible Reading Has Gained in Legal Favour Since 1900.

Decisions favourable to Bible reading have increased, as the above indicate, during the last twenty-five years. Seven court decisions concerning this practice have been rendered, five of which are favourable and two unfavourable.

The decision in Nebraska was not adverse to Bible reading in general, though it was adverse in the particular case, inasmuch as evidence showed that it amounted to sectarianism.[7] The decision holds that the courts have no right to declare Bible reading unlawful, except where legitimate use has degenerated into abuse.

The California case does not concern Bible reading, but involves the legality of placing copies of the Bible in school libraries.[8]

[7]See Appendix, pages 115–119.

[8]See page 136.

Previous to 1900 there were four decisions favourable, one decision which gave local school authorities power to allow or exclude Bible reading, and one unfavourable to it.[9]

It is evident, from the above laws and decisions, that Bible reading, from a legal point of view, has gained in favour in the United States since 1900.

[9]Decisions favourable in: Iowa—1884, Maine—1854, Massachusetts —1866, Michigan—1898; decision in Ohio in 1872, gave power to local school authorities; and in Wisconsin, 1890, decision was adverse.

Chapter II

PUBLIC SCHOOL TIME FOR RELIGIOUS EDUCATION

Definition of "Public School Time."

The term "Public School Time" is used to designate the time children usually spend in the public schools. The term does not imply that school time belongs to the state; it does not imply that the state has authority to compel children to attend state schools; nor does it imply that parents may not send their children to schools other than state schools for part of, or for the entire, school time. This matter was the subject of nation-wide discussion and of legal action since the passage of the Compulsory Education Bill of 1922 in the state of Oregon.

The Compulsory Education Bill of Oregon, 1922.

This Compulsory Education Bill had as its purpose the requiring of every child over eight and under sixteen years, from September 1, 1926, to attend a public school during the entire school year.[1] This Bill was declared unconstitutional in March, 1924, by

[1]For full text see Appendix, pages 164–167.

the Federal District Court for the district of Oregon in the case of the Society of Sisters, etc. *vs.* Pierce[2] (Governor of Oregon) and Hill Military Academy *vs.* Pierce. The case was appealed to the United States Supreme Court which, in June, 1925, affirmed the findings of the Federal District Court,[3] saying in part: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only."

The above decision of the United States Supreme Court clearly and definitely states the principle which is involved in the custom current in many cities and towns throughout the United States, which permits children, upon request of parents or guardians, to receive religious instruction, provided by religious agencies.

How Public School Time Is Granted for Religious Education.

Except in Iowa, Minnesota, Oregon, and South Dakota, where provision is made for the granting of public school time by state law, the practice of dismissal has been granted by vote of the local board of education or by the superintendent of schools without any formal action on the part of the local board.

[2]See Appendix, page 164

[3]See Appendix, pages 166–167.

Pupils are in no case released from school for religious instruction without a signed request from the parent or guardian.

TABLE NO. 5

"PUBLIC SCHOOL TIME" USED FOR RELIGIOUS EDUCATION (34 STATES)

Specifically Permitted by Statute (4 States)

Iowa	Minnesota	Oregon	South Dakota

Permitted by State Department of Education (2 States)

Maine	New Jersey

Permitted by Attorney-General's Opinion (1 State)

Nevada

Permitted by Usage Without Specific Statute, Decision, or Opinion (23 States)

Alabama	Kentucky	New York[1]	Texas
Arkansas	Maryland	North Carolina	Utah
Colorado	Michigan	Ohio	Vermont
Connecticut	Montana	Rhode Island	Virginia
Illinois	Nebraska	South Carolina	Wisconsin
Indiana	New Hampshire	Tennessee	

Usage though Attorney-General's Opinion Adverse (4 States)

Kansas	North Dakota	Pennsylvania	West Virginia

[1]See decisions on pages 157–162.

TABLE NO. 6

"PUBLIC SCHOOL TIME" NOT USED
(14 STATES)

No Statute, Decision, or Opinion Adverse
(9 States)

Delaware	Missouri	Oklahoma
Florida	New Mexico	Wyoming
Georgia	Louisiana	Mississippi[1]

Supreme Court Decision Adverse
(1 State)

Washington

Statute Adverse
(1 State)

Nevada

Attorney-General's Opinion Adverse
(1 State)

California

State Department of Education Adverse
(2 States)

Arizona Massachusetts

[1]The law requires that the Ten Commandments shall be taught in all the public schools of the state.

TABLE NO. 7

States Having Constitutional Anti-Sectarian Provision
(40 States)

Alabama	California	Connecticut
Arizona	Colorado	Delaware

Florida	Missouri	Oregon
Georgia[1]	Montana	Pennsylvania[1]
Idaho	Nebraska[1]	South Carolina
Illinois[1]	Nevada	South Dakota
Indiana	New Hampshire	Tennessee
Kansas[1]	New Jersey	Texas[1]
Kentucky[1]	New Mexico	Utah
Louisiana	New York[1]	Virginia
Massachusetts	North Dakota	Washington
Michigan[1]	Ohio	Wisconsin
Minnesota[1]	Oklahoma	Wyoming
Mississippi		

States Having No Constitutional Anti-Sectarian Provision
(8 States)

Arkansas	Maryland	Vermont
Iowa[2]	North Carolina	West Virginia
Maine	Rhode Island	

[1]There are court decisions in these states relative to sectarianism.

[2]Court decision of 1918 relative to sectarianism.

Digests of Laws That Permit Granting of Public School Time.

The following are digests[4] of laws which specifically permit granting school time for religious instruction:

Iowa (1925).

The compulsory education law makes provision for excusing children from public schools while attending religious services or receiving religious instruction.

[4]For full text see Appendix, pages 150–153.

MINNESOTA (1921).

Children may be excused at the request of parent or guardian, for a period not exceeding in aggregate three hours per week to attend a religious school, conducted and maintained by some church, or association of churches, or any Sunday School association incorporated under the laws of the state. The religious school to be conducted in a place other than a public school building.

OREGON (1925).

Children attending the public school, upon application of guardian or parent, may be excused for a period or periods, not exceeding one hundred and twenty minutes in any week, to attend week-day schools giving instruction in religion.

SOUTH DAKOTA (1923).

Children, on application of parents or guardian, may be excused from school for one hour per week, for religious instruction, conducted by some church, or association of churches or Sunday School association, incorporated under the laws of the State.

Digests of Bills That Have Been Defeated.

The following are digests[5] of bills recently defeated in the legislatures of the various states, which would have made provision for granting public school time for religious education.

[5]For full text see Appendix, pages 153–157.

California (1925).

School authorities shall, at the request of parent or guardian, dismiss pupils for a period of sixty to one hundred and eighty minutes per week, to receive religious instruction. The time of dismissal shall be designated by the school authorities.

Colorado (1925).

Each school board in the state shall have power, upon written request of parent or guardian, to release any pupil for a period of not less than sixty minutes out of each week for the purpose of receiving religious instruction. The school board, or teacher, shall not dictate or suggest, directly or indirectly, the form of religious instruction to be received, or, in any manner, prevent the pupil from receiving the religious instruction favoured by the parent or guardian.

North Dakota (1925).

If any parent or guardian desire, children of compulsory school age, may attend a school of religious instruction conducted and maintained by some religious organization, but not at public expense. The period or periods of such instruction not to be less than one hour, nor, in the aggregate, more than three hours in each week.

Washington (1926).

Pupils in the public schools electing to take courses in religious education, furnished without expense to

the State and outside the public schools, may be permitted to use a limited amount of school time for the purpose, under such supervision of the school authorities as the legislature may prescribe.

WYOMING (1925).

Children may be excused from school to attend religious instruction given by church schools.

The custom of dismissal is practiced in two of the above mentioned states, Colorado and North Dakota, without any specific legal provision. Many religious leaders and some legislators have felt that state-wide legal sanction would increase interest in religious education and free many from the fear that the dismissal privilege is an illegal procedure.

The bill failed in Wyoming because of insufficient public sentiment in its favour. State Superintendent, Katherine A. Morton, states, under the date of June 24, 1926: "I presume the reason why the Wyoming children have never been dismissed from the school in order to receive religious instruction outside the schools is because there has never been any public sentiment in favour of such an arrangement."

Public School Time Bills Introduced and Referred to the Senate Committee on Education.

Detailed Account of Bill Introduced into the New Jersey Legislature, 1926.

A bill was introduced into the New Jersey Legisla-

ture in 1926 which would provide for religious education on public school time. It was referred to the Senate Committee on Education and that was its status in March, 1927. It has been thought advisable to give the complete text of this bill, and to include with the same a statement that was attached to the copy received, as it gives an insight into the form of a bill of this kind. It will be noted how carefully the text of this bill defines the conditions under which religious education shall be taught, so as to preserve religious liberty.

"Senate, No. 64
(P. L. 1903, Chap. 1, p. 5)
(Second Special Session)

STATE OF NEW JERSEY
Introduced January 18, 1926, by Mr. Williams
Referred to Committee on Education.

"A Supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support, and management thereof,' approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. It shall and may be lawful for the State Board of Education of each school district in this State to provide, in their respective jurisdictions, for the

religious instruction of pupils attending the public schools.

"2. The State Board of Education, by a majority vote thereof, may fix times during each school week for the giving of such religious instruction to pupils of the schools under its supervision, namely the State Normal Schools, the State School for the Deaf, and the Manual Training and Industrial School for Coloured Youth, and the board of education of each school district may likewise fix times during each school week for the giving of such religious instruction to pupils of the public schools under its supervision, as aforesaid.

"3. The State Board of Education and the board of education of any school district, adopting the provisions of this act, are authorized to maintain classes for the giving of such religious instruction, strict regard being had to the religious preferences, predilections, and convictions of the pupils, so that the pupils of Protestants or non-Catholic faith shall be instructed by a Protestant or non-Catholic teacher, the pupils of the Catholic faith by a teacher of Catholic faith, and the Jews or Hebrews by a teacher of their faith.

"4. The State Board of Education and the board of education of each school district are authorized to engage and retain competent clerical or ministerial aid, for the giving of the instruction aforesaid; provided, however, that such instruction shall not ex-

ceed two school hours in any week during the school year; and provided, further, that no pupil shall be compelled to attend any such instruction which may be so given, it being the intent of this act that the civil and religious liberty guaranteed by the State Constitution shall never, under any pretense, be impaired whatsoever.

"5. This act shall take effect immediately."

Objections against This Bill Ungrounded.

STATEMENT

(Attached to the printed copy of the bill.)

"A careful analysis of the proposed statute will show that the objections raised against it are misdirected and ungrounded.

"In the first place, it is a purely permissive measure (in no way mandatory) leaving to the people through their local boards of education full control and regulation of the manner and place of holding the contemplated instruction. In the second place, it is entirely voluntary and noncompulsory so far as the student is concerned, and no one could be coerced to receive the training against his or her will."

Religious Training Would Reduce Crime Wave.

"Statistics show that the national crime wave in which the youth of to-day plays the leading rôle continues unabated, over three fourths of the crimes

recorded being committed by children under twenty-one years of age. The State, as the guardian of society, has a grave responsibility and should take immediate action to correct this condition due in the main to ignorance of God, and to materialistic education, and it is felt that religious training as contemplated, at the same time preserving inviolate the constitutional guarantee of civil and religious liberty, will help to ameliorate an alarming situation, namely, the rising tide of lawlessness which if unchecked will overthrow our national institutions."

Pennsylvania
(1925)

Status in Pennsylvania.

House Bill No. 827 (Senate Bill No. 1204) was first introduced on February 17, 1925, in the State Legislature of Pennsylvania. It passed the House, and passed second reading in the Senate on April 8, 1925, and was recommitted to the Committee on Education of this date. It was not again reported.

The sections of the bill relating to dismissal follow:

Section 1414. ". . . And provided further, That a child may, on application of his parent or guardian, be excused from public school for a period not to exceed one hour per week, to be fixed by the board of school directors, for the purpose of receiving religious instruction in schools provided by a church, association of churches, synagogue, or association of the

same, a Sunday School Association or auxiliary of the same, or other religious or educational organization. The board of school directors shall decide for each district the hour or hours at which pupils are to be dismissed. In no event shall any such instruction be given at public expense."

Section 1605. "Provided, That nothing in this section be so construed as to prevent the board of directors of each school district from permitting the dismission of pupils, on the request of parent or guardian, for a period to be fixed by the board of school directors, in order that the said pupils may receive religious instruction in schools provided by a church, association of churches, synagogue or association of the same, a Sunday School Association or auxiliary of the same, or other religious or educational organization."

When this bill was introduced, there existed an adverse opinion of the Attorney-General of Pennsylvania relative to the using of "public school time" for religious instruction. Several schools had practiced dismissal of pupils for this purpose before this opinion was rendered. These schools were permitted to continue this practice without interference. In September, 1927, Deputy Attorney S. M. H. O'Hara rendered a decision[6] that makes it possible for the public school to adjust its working schedule so as to

[6]This decision was rendered to State Superintendent of Public Instruction John H. Keith, and embodies some of the reasons expressed in Decision of Justice Staley in the case of Lewis versus Graves, New York State.

allow religious instruction at certain hours during the school day, thereby coöperating with the religious schools. Many schools are being conducted in the state by religious organizations in coöperation with the public school. Among them is the school at Allentown, which has its own building erected as a school of religious instruction, and with a carefully planned system of instruction.

Recent decisions regarding Public School Time for Religious Instruction in New York State.

In October, 1920, Dr. Charles F. Wheelock, Assistant Commissioner for Secondary Education of New York State, stated: "No central body such as the Board of Regents, has authorized local school boards in the state to dismiss children for two hours per week for religious education in the church of their choice, nor has the Board of Regents forbidden this; the fact being that the state educational law gives local school boards the power to fix the curriculum, and this matter of excusing pupils for religious education is therefore entirely within the province of the local board."

Judge Saeger grants Injunction at Mt. Vernon.

In a motion for injunction to restrain the school board from allowing pupils of the fifth and sixth grades of the public schools of the city of Mt. Vernon,

New York, to be excused from school instruction for forty-five minutes once in each week for the purpose of enabling them to receive instruction in the churches to which their parents desire them to be sent, Judge Saeger, Supreme Court of Westchester County, in July, 1925, granted the injunction. This included the question of printing cards upon presses owned by the public school. These cards were such as were to be filled out by the teachers of religious schools. Judge Saeger pointed out that Education Law, Sec. 620, prescribed the instruction required in public schools and stated that religious instruction is not one of the courses prescribed. The printing of the cards was considered unlawful in violation of Article IX, Section 4, of the State Constitution. The provisions of Chapter 689, Laws of 1917, which might be the basis of excusing pupils from public school time, Judge Saeger indicated, had reference to the cultivation, production, and care of food products and gardens within the state. The Judge in rendering his decision, also noted that the public school time did not extend over the whole day nor did it include every day in the year, therefore this law did not exclude the possibility of religious instruction. Another objection to the plan of using public school time for religious instruction was that the pupils that are excused are likely to fall behind those that remain in the public school the full time, as they are deprived of the instruction given during that period.

Lewis versus Board of Education of White Plains.

Application for Mandamus by Joseph Lewis, against State Commissioner of Education F. P Graves, which sought to compel him to discontinue "school time for religious education" in White Plains and to notify all school officers of districts and cities to discontinue this practice, was denied in a decision rendered by Justice Ellis J. Staley at the special term of the Supreme Court, Albany County, February, 1926. An appeal from the decision was filed or entered in Albany County Clerk's Office, May 22, 1926. The case was reviewed by the Appellate Division, Third Department of the Supreme Court, in November, 1926, and decision affirming the denial of the application rendered by Justice Staley was given in January, 1927. In rendering this decision, it was noted that this case differed from the one at Mt. Vernon in that there was no question as to the using of public school property in the printing of the dismissal cards used to secure excuse from the public school to attend a school of religion. Attention was pointed to the decision of the Supreme Court of the United States with regard to the constitutionality of the Compulsory Education Bill of Oregon, 1922. This decision emphasizes the "right of the parent to direct the training and nurture of the child," the importance of a "religious conscience, conviction, and accountability" as foundations for

good citizenship and real patriotism, that the state law with regard to compulsory education does not imply that "the mental and moral development of all children must be limited to a common mould, and that all children must be standardized." It was shown that the duty of the State Commissioner in this case was discretionary, and that the excusing of pupils at the request of the parents for religious instruction did not violate the school law, but fell "within the provision permitting occasional absences not amounting to irregular attendance." In reviewing the case Justice Davis states that "We are told that in twenty-three other states there are in force methods similar to those employed here."

The two recent cases from the State of New York give us the background upon which action is taken with regard to the use of school time in our schools of religious education.

Summary

In reviewing this data with regard to the use of "public school time" for religious education, we note: that thirty-four states are using public school time; that in fourteen states public school time is not used, being restricted by legal or official educational decisions in five states, while no adverse statute, opinion, or decision restricting this practice in the other nine states of this group, exists. Seven states, in the first group, have legal or official sanction for using public

school time, four of these states having adopted specific statutes toward this end. Within the last three years, bills have been introduced into the legislatures of seven of our states providing for the use of "public school time." The decision of the Supreme Court of the United States and the decision of Justice Staley in New York have been favourable toward granting school time for religious education. This tends to show that this practice is growing in legal favour, and that there is a tendency to interpret our school laws not with a "blind adherence to the strict letter of the statute," but with "the broad intent of the law" in mind, as Justice Davis expressed it. Then, to quote Justice Davis again, "familiar principles of justice toward both pupil and parent" can be put into operation, "while accomplishing the purpose of education."

Chapter III

WEEK-DAY SCHOOLS FOR RELIGIOUS INSTRUCTION AND THEIR RELATION TO PUBLIC EDUCATION

The Larger Objectives of Public Education.

In selecting the title for this chapter, the author has in mind a broader interpretation of public education than that which limits this term to the activities of the public school only. While the public school functions as the main agency of the state to instruct its youth in specific courses of knowledge pertinent to its welfare, there remains a great deal of education that is carried on in the home and in the community, which does not fall under the direct supervision of the public school, but which contributes, in a large measure, to the more extensive educational program of our people. This broader educational program should be closely correlated to the aims and purposes of the public school. A harmonious coöperation, looking toward our common objectives in planning for the future welfare of our nation, should be the relation between our public schools and these other edu-

cational forces of the community. Two of these forces of primary importance are the home and the church.

The Contribution of Religious Education.

From the very foundation of our government, public sentiment has favoured the religious institutions of its people. This has been due to the realization that religion has a very valuable contribution to make in the development of high moral character and conduct.

In the last chapter, we noted the movement that has arisen to give to religious education a larger part in our general educational program. We have indicated that in many cities and towns it has been considered feasible to dismiss children from the public schools upon the request of the parent or guardian, in order that they might receive religious instruction in church schools for a brief period each week. In the organization of their schools, religious leaders, conscious of the importance of the public schools and their program of work, are seeking an adjustment that will interfere as little as possible with the schedule of the public school. Toward this adjustment, the public school is giving its coöperation. In the last analysis, the interest centres in the welfare of the children whose future is being moulded through education. Religious educators contend that subjects

taught in the church schools are not in themselves without definite informational and cultural value. The literature of the Bible forms an important background, and its contribution and influence can readily be traced in the world's literary masterpieces. Citizenship, morals, and high ideals are basic in religious instruction. Religious teachers realize the inadequacy of the Sunday School instruction on account of the limitation of time for this instruction and on account of the failure, in many instances, to make use of progressive methods of instruction and organization. They do not minimize the value of the Sunday School nor its present influence on the lives of its members, but they are seeking to raise the standards of religious education to an equality with the standards attained by the best teachers of the public school.

Rapid Growth of the Week-day Religious Schools.

One of the first week-day religious schools was first established in New York City by Doctor Wenner, who might be considered the first real promoter of this movement. It was not until Gary, Indiana, established its work in religious education, in close coöperation with the public school, in 1914, that this movement really attracted the attention of religious leaders. That the church realized the importance of the step taken by Gary is evident from a survey of the rapid development of this movement. Many

churches have taken advantage of securing more time for their educational program. School time is very valuable, for it is considered in a different light from the time usually spent in play or in activity not specifically educational.

Authority for Dismissal Privilege.

As was noted in Chapter II, Iowa, Minnesota, Oregon, and South Dakota have made provision through state law to grant public school time for religious instruction. Educators in the field of religion should understand clearly the basis of authority for the dismissal privilege. They should note that the laws of Minnesota, Oregon, and South Dakota, with regard to granting public school time, specifically state that this time is only granted on the request of the parent or guardian. When there is no state law regarding dismissal, this practice is granted by a vote of the local school board, or by the superintendent of schools without the official sanction of the board. In the latter case, however, the superintendent naturally knows that the board sanctions his action, or he would hesitate to make this decision. In none of these cases is the pupil released from the public school, except through a request signed by his parent or guardian.

The forms used to secure the dismissal privilege are very similar. The following is a copy of one of the forms typical of those in use for this purpose:

1925–1926

Parent's Request.

For child to attend Week-day School of Religious Education.

East Greenwich, R. I.

To the Principal of _____
Name of School

I desire Son / Daughter / Ward _____
Name of Pupil

Grade _____, to be excused at 2:15 P.M. each Wednesday, in order to attend regular class work in the Week-day School of Religious Education in

_____
Name of Church

(Signed) _____
Name of Parent or Guardian.

One hour per week is the usual time allowed for this work, and the period is granted at such a time as will least interfere with the regular public school work.

Standards of Religious Education.

Public school authorities have not adopted uniform standards to be followed by these week-day religious schools. Practically all of the schools granting the dismissal privilege require regularity of attendance. Pupil-attendance records are kept by the teachers in charge of the religious schools, and

regular reports are made to the public school authorities. Irregularity of attendance on the part of the pupil may result in the withdrawal of the dismissal privilege.

The tendency to set up standards equivalent to those of the public school is evident in many week-day religious schools. The Oregon State Department requires that a teacher shall hold a certificate issued by the State Superintendent of Public Instruction, authorizing the holder to teach in the week-day religious schools. The Department of Public Education also specifies that the teacher shall receive an adequate remuneration, and that the budget for the religious instruction shall be satisfactorily underwritten. The graded course of study outlined by the Oregon State Department must be followed.

The Board of Allentown, Pennsylvania, requires that the boys and girls dismissed shall be given the intellectual equivalent of the instruction afforded in a similar hour in the public schools. The superintendent of schools approves the teachers of religious education in the Triadelphia District, Elm Grove, West Virginia. The physical equipment of the church school classrooms and the conduct of the class work at this place are under the supervision of the Superintendent of the Public Schools, and subject to his suggestions. Birmingham, Alabama; Salina, Kansas; and Wauwatos, Wisconsin; require that the teachers of religious education shall have the same educa-

tional qualifications as the minimum for grade school teachers, which is graduation from a Normal School with two years beyond the High School. Other schools report similar requirements. Thus, the practice of using public school time for religious instruction is tending to raise the standards of religious education to the levels attained by our public school systems. It is also significant that some communities report that this practice increases the appeal of religious instruction, as it tends to reach a larger number of children. Some of these week-day schools report a considerable percentage of pupils in attendance whose parents do not belong to any church. The giving of this instruction on week-days tends to correlate religion more closely with the daily life of the pupil. The instruction during regular public school time tends to emphasize religious practice, reducing the tendency of religious education to become a Sunday form.

Types of Week-day Religious Schools.

An analysis of the data on schools, received in response to the questionnaire and from answers to letters requesting special information, reveals many differences in organization. There are certain similar features of organization, however, enabling us to classify these week-day religious schools into three general types: The Individual Church Type; The Coöperative Church Type; and The Community Type.

The Individual Church Type.

This type places the responsibility of carrying through its educational program on the individual church. The children, under this plan, upon being granted the dismissal privilege, go to the church school designated by their parent or guardian. The individual church has complete charge of the religious instruction, decides upon its own courses of study, selects its own teachers, and raises the necessary funds to carry on the work. The entire organization is wholly independent of the other church schools, and of the organizations of the other churches in the community. As examples of this type may be given the church schools of Albert Lea, Minnesota, and those of Wausau, Wisconsin. Superintendent of the Public Schools of Albert Lea writes as follows with regard to their week-day religious schools; . . ." In our community the various churches have taken charge of the instruction and we do not find that any of them have combined to take care of this work. We have eight churches conducting such schools, and there are between 600 and 700 pupils in these classes. . . ."

The Coöperative Church Type.

This type, sometimes called the "community denominational type," differs from the individual church type in that a number of churches in a

community coöperate through a union or federation. Each coöperating church has its representation in a Council, which promotes week-day religious education in the community. The individual church retains its authority in the choosing of its teachers, the selection of materials of instruction, and in the general administration of its school. The Council functions in an advisory capacity in the above mentioned matters. The chief work of the Council is the promotion of the project in the community, arranging for the public school time to be used by the church schools of the community, and securing credit from the public school for work done in the week-day religious schools. The degree of coöperation between the churches varies largely with local conditions where this type of organization prevails. For instance, in some places the Council arranges for uniformity of courses, teachers' qualifications, and adequate supervision, while in other places these are matters for the individual churches to decide. Salina[1] is a good example of this type, and is adopting progressive methods of procedure in their religious work.

The Community Type.

Under this plan, which some call the "interdenominational type," a Community Council is responsible for the program of week-day religious in-

[1]An excellent account of the Salina Plan has been prepared by the Superintendent of the Salina Public Schools, W. S. Heusner, Salina, Kansas.

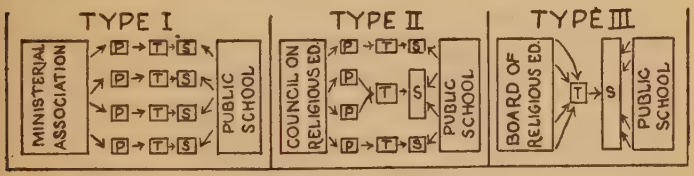
struction. The members of this Council are sometimes selected without reference to their church affiliation. More often, each coöperating church is given equal representation in this Council. Each church having membership in the Council, delegates to that body its authority with regard to week-day religious instruction. This group of representatives determines the course of study, selects the teachers, raises funds, and provides facilities for carrying on the educational work. In most cases of this type a full time Director of Religious Education is selected by the Council, who acts in the capacity of chief executive officer and supervisor of the school or schools. The relationship is somewhat analogous to that of a city school board of Public Education and the superintendent of public schools. In some places this Religious Education Council or Board is responsible for religious instruction in several communities, selecting one supervising director for all of them. Many of our larger centres have adopted this form of the Week-day Religious Education organization, for instance, Gary, Indiana, and Rochester, New York, to mention only two of these communities.

As has been noted, a city does not necessarily confine itself to any one of these types exclusively. In many places both the individual and coöperative types are found, while some places have organizations representing all three types. The Community plan does not always include all of the churches in a

city, nor does the Coöperative type. To secure the best adjustment with the public school, it seems feasible for the church schools to have some basis of coöperation, so that the instruction is definitely planned; so that a schedule of time with the public school is arranged; and so that supervision that will tend toward some uniformity of equipment and definite standards of attainment in the instruction is attained.

That this coöperation is prevalent is evident from the data gathered. Even where the individual type of the church schools prevails, there may be found a basis of coöperation, though officially the churches are not organized into the coöperative unit.

The three distinct types might be represented graphically as follows:



P—Pastor T—Teacher S—Weekday Religious School

The above graphs give in bare outline the types of organizations. These graphs could be elaborated to show in greater detail the relations of the various committees and officers connected with these schools, but it is not the purpose to represent these types in detail, but simply to give in schematic form the essential features of the three

types. It will be seen that there is very little difference between Types I and II, while the third differs from the first two very radically. We will discuss the relative value of these different types in a later paragraph.

An Analysis of a Representative Group of Schools of Religious Education.

In order to give a general survey of the week-day schools of religious education, we have gathered the data available from this investigation into the following table:

A TABULAR ACCOUNT OF A REPRESENTATIVE GROUP OF SCHOOLS OF RELIGIOUS EDUCATION

	STATE	CITY	TYPE	TIME	GRADES	ENROLLMENT
1.	Colorado	Sterling	Ind.		4, 5, 6	300
2.	Connecticut	Bridgeport	Com.	1 hr.	1–7	1,680
3.	"	New Britain	Coöp.		3–8	7,000
4.	"	West Hartford				
5.	Illinois	1 Naperville	Com.	1 hr.		447
6.	"	1 Oak Park	Com.	45 min.		1,740
7.	"	1 River Forest	"	"		
8.	Indiana	Calumet Dist.	Com.	1 hr.		6,000
9.	"	Gary	Com.	1 hr.		
10.	Kansas	Kansas City	Com.			1,000
11.	"	Salina	Coöp.	1 hr.	1–8	2,410
12.	Maine	Bar Harbor	Com.			300
13.	Maryland	Salisbury	Ind.	1 hr.	4–7	
14.	Minnesota	Adams	Ind.	3 hrs.	1–8	
15.	"	Albert Lea	Ind.		6, 7, 8	700
16.	"	Faribault	Ind.		1–6	200
17.	"	"			7–12	206
18.	"	Mankato	Coöp.		3–9	
19.	"	Minneapolis	Coöp.	2½ hrs.	3, 4, 5	
20.	"	Montevideo	Coöp.	40 min.	5, 6, 7, 8	136
21.	"	Moorhead				
22.	"	Northfield				
23.	"	St. Paul	Coöp.		4, 5, 6	
24.	Michigan	Holt		45 min.		1,000
25.	"	Ingham County				1,400
26.	Mississippi	Meridian				
27.	Montana	Wolf Point	Ind.		3–7	
28.	Nebraska	Pawnee City		(In school, 15 min. daily)		
29.	New York	Batavia	Ind.		1–6	500
30.	" "	Rochester	Com.	1 hr.	2B–5B	1,000
31.	" "	Schenectady	Com.		1–6	200

A TABULAR ACCOUNT OF A REPRESENTATIVE GROUP OF SCHOOLS OF RELIGIOUS EDUCATION—(*Continued*)

	STATE	CITY	TYPE	TIME	GRADES	ENROLLMENT
	New York	"100 cities"				
32.	North Carolina	Charlotte			(In school)	
33.	" "	Durham			"	
34.	" "	Reidsville			"	
35.	" "	Weldon	Ind.			
36.	Ohio	Ashland	Ind.		3–6	650
37.	"	Bluffton	Com.		1–8	350
38.	"	Cincinnati	Com.	1 hr.		4,656
39.	"	Cleveland	Com.		4, 5, 6	2,000
40.	"	Dayton	Com.			9,666
41.	"	East Cleveland		55 min.	4, 5, 6	600
42.	"	Lakewood	Com.		4, 5, 6	800
43.	"	Marshfield	Com.		3, 4, 5	157
44.	"	North Baltimore		(Use school)		
45.	"	Reidsport	Com.		1–8 90%	
46.	"	Silvertown	Com.	45 min.	1–8	
47.	"	Toledo	Com.		3–8	5,000
48.	"	Van Wert	Com.	1 hr.	1–8	1,255
49.	Oregon	Coquille	Coöp.	45 min.	3–8	110
50.	"	Parkdale	Ind.	1 hr.		
51.	"	Portland	Com.	1 hr.		2,100
52.	"	Roseburg	Com.	1 hr.	4, 5, 6	3,000
53.	"	Tillamook	Com.		4, 5, 6	350
54.	"	Umapino	Com.	1 hr.	3, 4, 5	
55.	"	"30 towns"				
56.	Pennsylvania	Allentown	Coöp.		1–7	600
57.	"	Ellwood City	Com.	40 min.	1–6	958
58.	"	Jenkintown	Com.	1 hr.	1–8	280
59.	"	North Boroughs of Pittsburgh	Com.		3–9	1,765
60.	"	Wilkinsburg	Com.	1 hr.		2,000
61.	Rhode Island	Bristol	Ind.	1 hr.	2–8	200
62.	" "	East Greenwich	Ind.		1–8	300
63.	Tennessee	Chattanooga	Com.			
64.	"	Rudsville				
65.	Texas	Dallas			H. S.	
66.	West Virginia	Charlestown	Ind.	1 hr.	4–7	1,180
67.	" "	Elm Grove (Triadelphia District)	Coöp.	1 hr.	2–8	1,507
68.	" "	Salem			H. S.	
69.	" "	Wheeling	Coöp.		2–8	4,520
					H. S.	300
70.	Wisconsin	Appleton	Com.	1 hr.	4, 5, 6	350
71.	"	Berlin				
72.	"	Eau Clair	Ind.	1 hr.	5–8	1,000
73.	"	Milwaukee	Ind.	1 hr.	4–6	584
74.	"	Stevens Point				
75.	"	Waukesha				
76.	"	Wausau	Ind.	1 hr.	3–8	1,100
77.	"	Wauwatosa	Ind.	1 hr.	4–6 50%	
78.	"	West Allis	Ind.		4, 5, 6	300

SUMMARY GIVING TOTALS

No. of States	22	Types—Coöperative	10
No. of schools	78	Community	28
Types—Individual	18	Total reporting	56

Total Enrollment reported.....80,157

While the data presented in this tabulation of week-day schools is statistically far from complete, yet it does give information from a fairly representative group of religious schools, ranging from the small individual school of the village to the well-organized system of our larger cities, where many of the week-day religious schools are of the community type.

In the table we have attempted to group the schools represented into the three types. We do not claim that this grouping is correct in every case. In some of the reports the data are incomplete, and in others we may have misinterpreted the data. Then, too, some of these schools are developing so rapidly that their status may have changed materially since we received replies to our letters and questionnaires.

A Comparison of Types with Regard to their Working Efficiency.

Whether any one school type is better than another in carrying out this program of religious instruction depends largely on the local conditions which must be taken into account. Some workers in the field express the opinion that the Community type does not give an adequate opportunity to give continuity to the work of the individual church. They point out that the Coöperative and Individual types afford a better opportunity to correlate the work of the week-day religious school with the work of the Sunday School and with that of the young

people's societies and kindred organizations of the church. It is certain that considerable adjustment and planning is necessary if the Community type is to arrange the instruction of the week-day church school so as to fit into the further religious activities, and satisfy the needs of the individual church represented in their organization. We have pointed out that a city does not necessarily confine itself to one type of organization. It is also evident, as before stated, that the Individual type, though not officially organized into a coöperative unit, does not exclude coöperation. This work is yet in its experimental stage. As a keynote in solving the problems connected with the week-day religious school, there should exist a decided spirit of coöperation. United efforts in establishing the general principles of religious education will tend to develop an efficient adjustment with the public school. Interchange of ideas will develop a more efficient system and progressive methods of instruction. Community of effort will tend to give the work greater stability and a wider influence.

Amount and Arrangement of Time for Week-Day Religious Instruction.

The amount of time set aside for week-day religious instruction varies from forty minutes to three hours per week. One hour is the general period of time allowed for this work. The chapter on "Public School Time" cites the laws and regulations adopted

with regard to dismissal from the public school. Thus, Minnesota allows three hours, Oregon two hours, and South Dakota one hour per week for religious instruction during public school time. Iowa is the only other state that has adopted a state law with regard to the use of public school time. In Maine and New Jersey, it is permitted by the State Departments of Education, and in Nevada by Attorney General's opinion. In the other states where public school time is used for religious instruction, the regulations are determined by local authorities. Most of the schools of week-day religion use public school time.

Although there are many instances of dismissing pupils from the entire eight grades, the grades which are most often dismissed, according to our table, are four, five, and six. Sometimes two grades are grouped into one class for religious instruction, but the tendency is to keep the grades in separate groups following the grading of the public school. The grades are not, as a general rule, dismissed at the same time from the public school, but each of the grades are assigned different periods during the day when they are to report for religious instruction. Due to the schedules adopted by the various public schools and to other local conditions, there is great variation in this dismissal time in the different schools, ranging all the way from the first hour in the morning to the last school hour in the afternoon. In some schools the dismissal of all the

grades occurs on a specific day of the week, while in others the dismissal extends over several school days or throughout the whole school week.

Enrollment and Attendance in Week-Day Religious Schools.

The total enrollment in the seventy-eight schools listed in the table does not include a summary of all the schools, as, in some cases, it is not given. It is difficult to determine the entire enrollment of all the week-day religious schools in this country, as complete statistics on this point are not available. Dr. Albion Squires estimated it, in 1926, to be about 300,000. The enrollment has undoubtedly increased considerably since that time. Estimating from the 80,157 reported in our table, which is far from complete, we should judge the enrollment to be considerably over the figure given by Squires in 1926. However, this is only an estimate. The enrollment reported in the week-day church schools varies from a small percentage to a very large percentage of the pupils of the public schools. In some of the religious schools it reaches approximately 100 per cent. The record of attendance compares favourably with the record attained by our public schools. Many week-day religious schools report a wider interest in their schools from year to year, resulting in a decided increase in enrollment. For instance, Van Wert, Ohio, reports:

YEAR	NUMBER OF PUPILS IN WEEK-DAY RELIGIOUS SCHOOLS	PER CENT. OF PUPILS IN THE FIRST SIX GRADES OF THE PUBLIC SCHOOL
1918	775	81%
1919	850	86%
1920	827	82%
1921	915	88%
1922	925	88%
1923	1020	95%
1924	1079	96%

Salina, Kansas, states that "practically 95 per cent. of the grades 1–8 of the public schools of the city are enrolled in the classes of religious education. The enrollment has steadily increased with each year. . . ."

Many other reports might be cited that are equally encouraging.

Teachers and Equipment for Week-Day Religious Schools.

This investigation tends to confirm the statement made by those directly connected with this work, that there is a marked development of higher standards in the teachers and equipment of religious week-day schools. The tendency to require standards as high as those maintained in our public schools is growing. Teacher-training courses are being given, and are being organized, to train teachers for this important field of instruction. In the announcement of the Salina Plan for 1925, we note, "A Teacher Training Study Course will start, using a standard textbook,

and offering a course of study in psychology and methods." The announcement further explains that they plan this as a credit course leading to a special degree in Religious Education. Their aim is, "more and better church school teachers." This same attitude is noted in many other reports.

There is an increase of full-time teachers. These receive compensation at the same rate, approximately, as in public school work. They are, as a general rule, college graduates, and many of them have pursued special courses in religious pedagogy and Bible literature. A large number of part-time teachers are giving instruction in these religious schools. Their compensation varies from one to two dollars per hour. Some of these teachers are volunteer teachers, and receive no pay for their services. This part-time teacher group includes active public school teachers, retired school teachers, students in colleges and universities, Sunday School teachers and social service workers of various organizations, such as the Y. M. C. A. In this group are some who are not qualified by reason of limited education, though we must not minimize the good they have done and are doing in many of our Sunday Schools. Sometimes these workers possess a high degree of interest and an intense enthusiasm, a high moral character with deep religious convictions, and a personality that attracts and influences the children in their classes toward high ideals, which are essential qualifications of the

religious teacher. No amount of education will take the place of a high moral character and a strong personality as qualifications for this religious teaching, as mere knowledge without example defeats its own ends. On the other hand, there are certain techniques, and a knowledge of psychology which give the teacher an insight into the process of the pupils' development, lacking which, the teacher is at a disadvantage.

Churches are being utilized in the majority of these week-day religious schools as places of instruction. In some cases the classroom facilities and equipment are decidedly inadequate. Some churches have remodelled their buildings so as to make them more suitable for these religious schools. In some places special buildings have been erected, as for instance at Allentown, Pennsylvania, which city has expended a quarter of a million dollars for its religious educational plant. In Ohio, public school buildings are being used, in many instances, for this religious instruction. The advantages of this practice are stated as a saving of time of pupils expended in going to the churches or other places of instruction, the tendency to make discipline easier, and better classroom facilities and equipment. In some states legal restrictions prohibit the use of public school buildings for religious instruction. Table No. 10, in Chapter IV, gives a list of the states where the use of school buildings is permitted by statute. Other states than those

listed have allowed the use of school buildings for "religious exercises." This is largely determined by the local school boards in states where the use of public school buildings for "religious purposes" is not specifically prohibited by law.[2]

Opinions of Educators with Regard to the Success of Week-Day Religious Instruction.

In concluding this chapter, in order to give a further basis for evaluating the successful operation and influence of week-day religious instruction, opinions of men closely associated with this work in various places will be quoted. The following opinions are excerpts from letters received from superintendents of public schools, and represent, therefore, the attitude on the part of leaders in public school work:

"I have visited some of these schools (eleven) and, with the exception of one or two teachers, I have found the group working in order and toward definite ends. . . . No opposition."

"The schools are conducted by the individual churches, and although you have not asked for my opinion, I venture to say here that that particular arrangement does not meet with my whole-hearted approval. I believed that it would be infinitely better if the churches would unite, and all of the students

[2]Note. In the Appendix will be found some representative plans, constitutions, and reports relative to the Week-day Religious School.

were put in charge of the same group of teachers, with the emphasis on the common elements of religion rather than upon the doctrinal things.

"Perhaps the most severe criticism of the work is that the students to some degree feel that they are 'out-of-school,' and they are less tractable in the hands of the teachers of the religious day school than they are in the hands of the regular day school teachers. The scattering of the students is somewhat responsible for this. If they were all in one place and under one head I believe much of this would disappear. . . . Very mild opposition if any."

"The churches to-day which are having the greatest success with the plan are those which are paying their instructors a stated amount per hour and are then demanding service in return."

"Not any of the schools are properly equipped for this instruction so far as furniture and other equipment goes.

"Religious education of the above type has been in operation here for the last five years, and we are of the opinion that it has accomplished some good. After the organization of these classes becomes perfected and the training of the teachers improves, we expect still better results than have been accomplished up to this time."

"The plan is succeeding well. Success depends upon the interest in the several churches. Any qualification of success is found right there."

"This is our second year of working under this plan. There is no opposition, and all reports are favourable."

"We believe the good effect is worth all the time taken from the regular studies, but, of course, we have no adequate tangible means of making just comparisons and of estimating values correctly."

"The scheme, from an administrative point of view, is very easily carried out. On Tuesday (the day of dismissal for week-day religious instruction) we notice practically no confusion, and there is scarcely any evidence that the scheme is working except a greatly diminished attendance at certain hours of the day."

"Personally I feel that there is value in religious instruction, but with our crowded curriculum and program I dislike to have the children take the time from our regular day school. I would be much better pleased if the time could be outside of the regular public school day."

"There has been no objection from any quarter, as far as I have known, in the two years these schools

have been operating under the present plan. On the contrary I have had expressions of the heartiest approval of the plan in general and of the work done in general, and from many letters we have received from parents, we are convinced that the results upon children are very much worth while."

Summary

As we have stated, this movement is still in its experimental stage, but its rapid growth, the encouraging reports from many schools, the increasing activity of leaders in promoting week-day religious education, give us reason to believe in its development to a place where it will be a permanent institution, efficiently serving a vital need, the promoting of the larger objectives of public education.

Chapter IV

HIGH SCHOOL CREDIT FOR BIBLE STUDY

Historical Background of This Movement, 1910–1917.

North Dakota and Colorado were the first states to grant high school credit for outside Bible study. Dean U. P. Squires, of the State University of North Dakota, was the originator of this movement, organizing and developing the North Dakota plan. He was the editor of the first state syllabus, outlining a course of Bible study for the high school in 1912. The State Teachers' College at Greeley, Colorado, began the pioneer work on Bible study for High Schools in 1910. This plan was put into operation in November, 1912, the same year it was instituted in North Dakota. These two states, each working independently, developed and launched this important movement at approximately the same time. Similar plans were followed by Washington and Indiana, these first states being known as the "big four" with reference to this movement. From these four the movement spread rapidly to other states, as is shown in the analysis of this movement which follows.

Analysis by Wood in 1917.

In 1917, five years after the beginning of this movement, an extensive analysis and survey of the same was made by Clarence A. Wood, the data of which were published in his book "School and College Credit for Outside Bible Study." This study reports that at that time, 1917, six states—North Dakota, Colorado, Washington, Oregon, Texas, and Oklahoma—had given official sanction toward giving high school credit for outside Bible study. Ten other states were following this practice without official sanction, some high schools in these states offering credit for this course. Wood shows that the movement in the states where it was adopted made progress, evidenced by increased enrollment in these courses. We will deal with this progress more specifically when we have noted the further development since 1917.

Investigation by Squires in 1925.

In 1925, W. A. Squires, director of week-day religious instruction of the Presbyterian Church, in an investigation of this movement, made an analysis and evaluation of the plans followed in granting high school credit for Bible study. Through a questionnaire sent to the superintendents of public instruction, replies being received from all of the forty-eight states, Squires classified the status of these states

with regard to Bible study in the high schools into three groups:

(a) States where the Department of Education, or some similar organization, gives official sanction to plan.

1. Arkansas
2. Colorado
3. Indiana
4. Iowa
5. Kansas
6. Kentucky
7. Maine
8. Michigan
9. Missouri
10. Montana
11. Nebraska
12. New York
13. North Dakota
14. Oklahoma
15. Oregon
16. South Dakota
17. Texas
18. Virginia
19. West Virginia

(b) States in which certain high schools follow the plan, but without official sanction of state authorities.

1. California
2. Florida
3. Idaho
4. Illinois
5. Maryland
6. Ohio
7. Tennessee
8. Utah
9. Wisconsin
10. Wyoming

(c) States in which the practice has neither been sanctioned by state authorities nor followed by individual high schools.

1. Alabama
2. Arizona
3. Connecticut
4. Delaware
5. Georgia
6. Louisiana
7. Massachusetts
8. Minnesota
9. Mississippi
10. Nevada
11. New Jersey
12. New Hampshire
13. New Mexico
14. North Carolina
15. Pennsylvania
16. Rhode Island
17. South Carolina
18. Vermont
19. Washington

Progress from 1917 to 1925.

Comparing the above data with that reported by Wood, we notice what Squires calls "a notable progress in this period of eight years." From six states receiving official sanction in 1917, there is an increase to 19 states in 1925. Squire's survey shows that the 11 states, following to some extent the practice of giving high school credit for Bible study in 1917 without official sanction have granted official sanction to this practice since 1917. Ten other states had been added that were reported as giving credit for Bible study in some of their high schools, although this credit was not specifically sanctioned by state authority.

Status of Movement in 1927.

Reviewing the data collected through this present investigation from these forty-eight states, the status of this movement shows further growth since 1925. The following Tables 8, 9, and 10 indicate the changes from 1925, and give additional data, namely: the states using official syllabi; specific court decisions with reference to Bible study; states in which experiments have been tried; and the states where the statute permits the use of school buildings for religious activities or activities beneficial to the welfare of the community.

TABLE NO. 8

High School Credit for Bible Study—1927
(26 States)

Alabama	Maryland	Oklahoma
Arkansas	Michigan[1]	Oregon[1]
Colorado[1]	Mississippi[1]	South Dakota[1]
Idaho	Missouri	Tennessee
Illinois	Montana[1]	Texas[1]
Indiana[1]	Nebraska	Utah[1]
Iowa[1]	New York	Virginia[1]
Kansas	North Carolina	West Virginia
Maine[1]	North Dakota[1]	

[1]In each of these states an official syllabus of Bible study is, as a rule, the basis.

Reported as Not Giving High School Credit—1927
(22 States)

Arizona	Massachusetts	Rhode Island
California	Minnesota	South Carolina
Connecticut	Nevada	Vermont
Delaware	New Hampshire	Washington[1]
Florida	New Jersey	Wisconsin[1]
Georgia	New Mexico	Wyoming
Kentucky	Ohio	
Louisiana	Pennsylvania	

[1]Court decision against giving such credit.

TABLE NO. 9

Experiments Reported—1927
(33 States)

Alabama[1 2]
Arkansas[1]
Colorado[1 2]
(*See* Note 1)
Connecticut[2]
Idaho[1]
Illinois[1 2]
Indiana[1 2 3]
Iowa[1]
Kansas[1 2]
Maine[1 2]
Maryland[1]
Michigan[1 2 3]
Minnesota[2]
Mississippi[1]
Missouri[1]
Montana[1 2]
Nebraska[1 2 3]
New York[1 2]
North Carolina[1 2 3]
North Dakota[1]
Ohio[2 3]
Oklahoma[2]
(*See* Note 1)
Oregon[1 2]
Pennsylvania[2 3]
Rhode Island[2]
South Carolina[2]
South Dakota[1 2]
Tennessee[1 2 3]
Texas[1 2]
Utah[1 2]
(*See* Note 2)
Virginia[1]
West Virginia[1 2]
Wisconsin[2]

[1]High school credit.

[2]Religious instruction in churches on public school time.

[3]Some religious education in the public schools.

Note 1. Credit is given by the State Normal Schools for Bible study pursued in Sunday Schools.

Note 2. A state-wide course in Character Education has just been introduced.

No Experiments Reported—1927
(15 States)

Arizona
California
Delaware
Florida
Georgia
Kentucky
Louisiana
Massachusetts
Nevada[1]
New Hampshire
New Jersey
New Mexico
Vermont
Washington
Wyoming

[1]Reno discontinued the practice of excusing pupils after two years' trial. Lack of facilities and distances of churches from schools were given as reasons. Sparks also discontinued the practice.

TABLE NO. 10

STATES PERMITTING USE OF SCHOOL BUILDINGS OUTSIDE SCHOOL HOURS BY STATUTE—1927
(16 States)

Arkansas	Massachusetts	South Dakota
Connecticut	(Excepting Boston)	(Outside cities
Delaware	Michigan	and towns)
Illinois[1]	Minnesota[1]	Virginia
Indiana	New Hampshire[1]	Wisconsin
Kansas[1]	Oklahoma[1]	
Kentucky[1]	Oregon[1]	

[1]In these states the statute specifically mentions "religious exercises" as permissible. The other states mention such "recreational and civic activities" as are beneficial to the welfare of the community.

Progress since 1925.

Comparing Table 8 with the classification given by Squires, it will be noted that, in 1927, twenty-six states were giving high school credit for Bible study. Table 9 indicates that seven other states were listed as reporting some type of Bible study in their schools. This reduces the number from nineteen to fifteen states where no work is in operation, or at least none was reported in answer to the questionnaires and letters sent out to obtain this information. Inasmuch as returns and responses to letters for this data where the questionnaires failed to elicit the facts desired, supplemented quite completely this investigation, these tables represent quite accurately the true status of this movement at present. A more minute investigation, involving specific study of each individual high school and community, might add

a few experiments to those already reported, but they would not tend to change essentially the data of this report, nor is it probable that such minuteness of investigation for the purpose of completeness, involving as it would a large expenditure of money, time, and labour, would justify the results that could reasonably be expected from such a procedure.

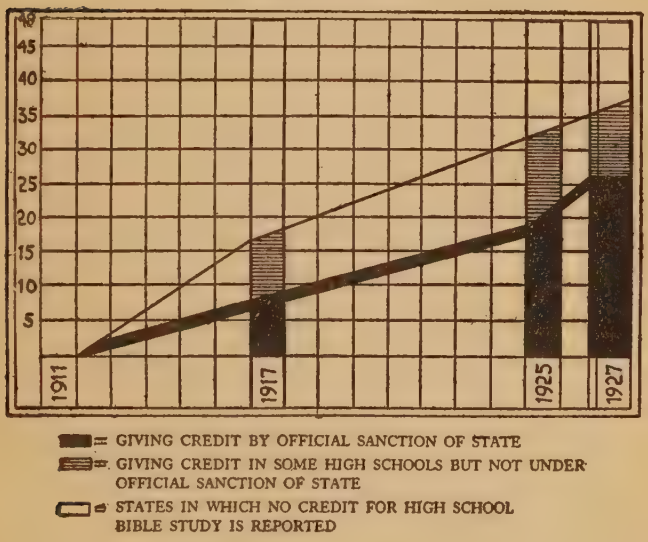
Taking then the above tables as a clear indication of progress in Bible study, we note that since 1925 Alabama, Illinois, Maryland, Mississippi, North Carolina, Utah, and Wyoming have been added to the list of states that definitely report high school credits for Bible study. In 1925 Squires classified Idaho, Illinois, Maryland, Utah, and Wyoming as states following the practice in some high schools without official sanction, and Alabama, Mississippi, and North Carolina were reported as giving no official sanction, and as not practising it at all in any of their high schools in 1925. This growth can be illustrated graphically as shown on page 65.

A Review of the Progress from Its Beginning in 1910 to Its Present Status.

This graph, indicating the status of this movement in three distinct years, including periods of five, eight, and two years respectively, shows a decided progress, with a marked acceleration during recent years. The trend of those eleven states, which in 1917 were giving credit in some of their high schools for Bible

study without official sanction of state authority, is to secure that sanction. This is evidenced by the status in 1925 of these same states, for Squires reports them as having secured that official sanction. And

STATES GIVING HIGH SCHOOL CREDIT FOR BIBLE STUDY



six more states have been added to this list according to report of 1927, three of these states being classified by Squires in 1925 as giving credit without official sanction. Judging from this trend, we would expect a larger per cent., if not all, of the seven states

now giving credit in some of their high schools without official state sanction, to secure that sanction and to be added to the first group. This movement is apt to spread to the fifteen states now indicated by the light area for 1927 as not giving credit for Bible study in any of their schools. Two cities reporting in this group, Sparks and Reno, discontinued the practice. Reno carried it on for two years, but, on account of the distance the pupils taking Bible study for credit had to walk to the churches where this instruction was given, it was discontinued. With regard to the discontinuance of the school at Sparks, each of the five churches there conducted its individual school. One dropped the school after a brief trial, and at the beginning of the next year it was discontinued by all the churches. The state superintendent states that the study of the Bible as literature is the only practice allowed in the public schools.

In 1918,[3] decision against the practice was rendered by the attorney general of Washington, where the plan was in successful operation. Washington, one of the first four states to forward the movement, reports, in 1927, that no credit is being given for Bible study. Several express the hope that steps may soon be taken to revive the practice in this state, as they realize the great need of this work. Two bills toward this end were introduced into the legislature in 1925, but were defeated by vote of legislature April 19, 1926.

[3]For text of decision see Appendix, page 167.

Wisconsin also has a legal restriction. With these two exceptions, there have been no definite legal decisions against giving credit for Bible study in high schools. On the other hand, the movement has made marked progress.

Increased Enrollment and Improvement of Methods of Procedure.

This progress comprises more than an increase in the number of states that have attained legal sanction for this practice and the added states that have initiated the study of the Bible on a high school credit basis in individual schools without the legal state authority specifically sanctioning the procedure. There has been, besides this, an increase in enrollment in these courses in the different states and a distinct advance in the methods of procedure, the organization of the courses of study, the selection of teachers, and more adequate provisions for equipment.

Increase in Enrollment.

In North Dakota, according to Wood in 1917, 679 examination papers had been sent to the State Board of Education, these papers representing seventy-nine different towns. During the year 1914–15, Colorado reports that 600 pupils were enrolled in these high school courses, Denver, Fort Morgan, Grand Junction, Longmont, Brush, and Boulder offering such courses. Fifty per cent. of the pupils

at Fort Morgan were enrolled in Bible study courses. Thirty-four towns in Indiana were offering Bible courses in 1917, with between 1200 and 1500 enrolled. At the first examination in 1916, seventy examinations were given to students from ten high schools, and the second examination was given to 240 pupils from twenty-three high schools. In Washington, 173 pupils took the first examination and a year later 216. Spokane, Tacoma, Centralia, Everett, and Sunnyside were included in the list of towns giving high school credit for Bible study. Squires, in his investigation in 1925, supplementing a questionnaire sent to practically all the high school principals in these four states, with additional correspondence and some field work in the State of Indiana, evaluates the progress of the movement in these four states. In order to indicate, in brief, the status as recorded by Squires, we are arranging his data in the following table:

TABLE NO. 11

State	No. of Schools Replying to Questionnaire	No. Reporting Bible Study	Per cent.	No. of Students Enrolled	Per cent.	No. Reporting on Success			
						Highly Successful	Fairly	Partly	Unsatisfactory
North Dakota	19	15	79%	in 7 Schools 159	11%	2	6	4	3
Colorado	39	9	20%	in 6 Schools 148	4.5%	2	4	2	1
Indiana	132	74	56%	2812	18%	32	12	8	1
Washington	34	0	Discontinued on account of adverse decision of Attorney General in 1918.						

In interpreting the above data, we must first consider the fact that the replies from North Dakota and Colorado are far from a complete survey of the schools in those two states, and, therefore, cannot be taken as an adequate indication of their status with regard to Bible study. Doctor Squires of Fargo reported that, in 1923, more than 1,000 pupils had taken the examinations in Bible prepared by the State Board of Education. The per cent. of enrollment as given above is based on the reports of seven schools with only 159 Bible students reported as taking Bible study. The opinions of fifteen principals as to the success of the work comprise a very small per cent. of the principals concerned. The data from Colorado is slightly more representative, yet not adequate enough to give a satisfactory indication of the status of Bible study in the high schools of that state. The per cent. given for those taking courses in Bible for credit is based on the returns of only six schools, involving 148 actual students in these courses. The opinions of only nine principals with regard to the success of the work is reported. The returns from the questionnaire in Indiana are fairly representative, involving replies from 132 high schools, seventy-four of which were granting credit for Bible study. Of these seventy-four, sixteen schools were giving these courses in their high schools as a regular part of the curriculum. The per cent. of the enrollment, based on forty-four of the schools, is

eighteen per cent. This agrees with the estimate made by Superintendent P. F. Fitzgibbon of Muncie that, of approximately 45,000 high school students enrolled in the state, about 5,000 were pursuing Bible study for credit. The opinions expressed by fifty-three high school principals in Indiana indicate that the work is highly successful in sixty per cent. of the schools, fairly successful in twenty-three per cent., partly successful in 15 per cent. Only one principal reported them as unsatisfactory. Seventeen replies from high schools reported by Wood as offering high school credit for outside Bible study in 1917, revealed the fact that only two had dropped this practice and that eight of the fifteen remaining had made this Bible study a part of their regular curriculum. Comparison of enrollments in Bible courses offered outside the high school and those given in the high school curriculum showed no marked difference, the latter exceeding the former only two per cent. in enrollment.

Washington reported no work in Bible study in their high school in 1925. Until the adverse decision in 1918,[4] Washington was making progress, but dropped the work on account of legal restriction, as has already been indicated.

The present investigation, through the study of various reports and replies to letters of inquiry,

[4]For text of decision see Appendix, page 167.

has some data to add to that given above. In 1921 the syllabus used by North Dakota was enlarged to provide for the giving of a whole unit credit instead of a half credit as authorized in 1912. The largest number of examinations given under the old plan in any one year, that is, before 1921, was 259. Under the new plan, for four years of operation, the average number is reported as being over 900, showing a considerable gain. In Virginia the work in Bible study was organized in 1916. One class of twenty-seven people were prepared for examination in 1916–1917, while forty classes with 933 were examined in 1923–1924. Michigan reports that the practice of giving high school credit for Bible study is widespread. Montana reports the largest number of examinations in 1926 of any during the four years the syllabus has been in use. Twenty-three of the Montana high schools are giving credit for courses in Bible, and two hundred examinations were given in 1926. The Board of Regents in New York have granted permission to about 100 high schools of New York to give credit for Bible study. Schenectady is named as one of the places where the schools are giving this credit. Oregon reports that thousands have taken the examination in Bible since the use of the syllabus, and that thirty-five to forty per cent. have passed the examination. Utah is giving credit for Bible study pursued in the seminaries of that

state, of which there are a considerable number. In West Virginia twenty-four out of 133 high schools of the state are engaged in the practice of granting credit for Bible study, including such places as Charleston, Wheeling, Montgomery, Lewisburg, and Berkeley Springs.

The data above give an indication of how widespread this movement is and of its growth in numbers during recent years.

Improvements in Organization and Methods of Procedure.

There has been a development in the methods of conducting this work. Various experiments have been attempted and found successful. It has become apparent that in order to do this work efficiently, the standards of teaching must be equal at least to those of regular high school teachers, and the equipment adequate enough to promote the best methods. Where instruction is given in the Sunday School, care must be exercised to keep the instruction on as high a basis as is found in the public school. Where the instruction is given in week-day schools, the financing must be considered an important item. The teachers in these schools must be adequately paid, and equipment and housing of classes adequately provided. Many of the schools reported that efficient work was being done, as at Gary, Oak Park, Rochester, Salina, and other places.

Analysis of Syllabi.

Possibly the most important evidence of improvement in these schools are the syllabi of courses prepared for this work. An investigation of these syllabi indicate the tendencies of Bible study in various states.

TABLE NO. 12

ESSENTIAL ELEMENTS OF REPRESENTATIVE SYLLABI IN BIBLE STUDY FOR HIGH SCHOOLS

STATES	FORM AND CONTENT OF THE COURSE IN BIBLE STUDY	METHODS OF TEACHING	REQUIREMENTS
North Dakota South Dakota	A brief topical outline in two parts embracing Old and New Testaments. Introducing summaries, historical and geographical	Emphasizes the Bible as literature and history. Selects passages to be memorized.	Standards for teachers given equal to state requirements for high school teachers. 180 forty-minute periods for one credit. Separate classrooms and equipment.
Colorado Montana	More detailed outline as in "International Graded Lessons." A four-year course. No summaries or explanation.	Emphasizes development of Christian citizenship rather than Bible as literature.	Teachers, the same as regular high school teachers. 1 credit for 40 forty-five minute periods throughout four years. Pupils must be high school rank. Separate classrooms and equipment.
Indiana West Virginia	Detailed outline in four parts of ninety lessons each. Each lesson includes a brief list of essential questions on lessons.	Valuable suggestions in introduction. Course designed to give definite religious instruction. Geography and history emphasized.	Teachers same as regular high school teachers. One credit for any two of four parts of syllabus—forty-five minute period. Separate classrooms. 6-volume reference library, maps, etc.

TABLE NO. 12—*Continued*

STATES	FORM AND CONTENT OF THE COURSE IN BIBLE STUDY	METHODS OF TEACHING	REQUIREMENTS
Maine	Adopted International Plan. Lessons published by Sunday School Association in "Sunday School Star."	Valuable suggestions of reference and objectives. Emphasize moral instruction.	Teachers same as high school state requirements. With one year special training in Sunday School methods. 1 credit, 40 minute recitation. Classroom. Equipment of 37 reference books.
Iowa	A concise topical outline emphasizing historical facts. No explanations.	Excellent suggestions as to method. Emphasizes learning specific facts. Memory work emphasized.	Instructors must have A.B. degree. Recitations 45 minutes each with 1 to 1½ hours of preparation. 1 credit.
Arkansas	No state syllabus. Graded Sunday School lessons are followed. Closely correlated with Sunday School work.	One half of work must be taken in Sunday School.	2 credits granted. 5% added to grades in grammar school. Classrooms teachers and equipment specified.
Michigan	Separate outlines. An excellent topical outline embracing questions on lesson, designed to give basis for 6 years' study including Junior H. S.	Questions and exercises of each lesson carefully prepared. Excellent suggestions to teachers. Emphasizes morals.	Clear indication that standards shall be same as high school. 1½ credits may be earned. Supervision provided for.
New York Texas Kansas Kentucky Mississippi	These states have no official state syllabus, but each city prepares its own syllabus.	Syllabus and plan approved by state board or local board.	Requirements not as definitely stated but in many cases standards are as followed by state high schools.
Oregon	Brief outline including brief introductions.	Emphasizes Bible as literature and history.	Given in high school as optional. Examination gives credit.
Virginia	Brief topical outline in three parts. Brief notes on review.	Brief suggestions as to memory work and historical unity.	Qualifications of teachers standard high school requirements. 1 credit. Forty minute periods. 2 courses.

In studying the essential features of the representative plans given above, we notice some differences in the form and content of the courses, the suggestions, requirements of recommendations with regards to methods of teaching, and in the requirements with regard to credits, teachers, classrooms, and equipment.

Form and Content of the Courses in Bible Study in Representative Syllabi.

All the syllabi are to a greater or less degree mere outlines depending on further references and textbooks for more complete data of instruction. These outlines differ in some significant features. The North Dakota, Oregon, Virginia, and Iowa outlines are very brief in form, giving the mere topics, with very little if any explanation in the way of introductory summaries, questions on lessons, or interpretation. The Iowa plan, in its Suggestions to Teachers, states, "You have no more right to bias the pupil's interpretations in regard to theological matters than you have to proselyte for political convictions in teaching the history of the political parties." The Colorado and Indiana plans offer the teacher a more detailed outline of Bible study, following the plan of the International Sunday School graded lesson series. Each lesson includes a few essential questions, well selected to test the pupil's comprehension and to direct his study. Arkansas emphasizes the study of the Bible in Sunday School for credit, and gives not

only high school credit but also credit in the grammar grades, stipulating that half the work shall be done in the Sunday School. A graded series of Sunday School lessons is followed in this study, but this does not constitute an official state syllabus. New York and the four other states Texas, Kansas, Kentucky, and Mississippi, while they do not follow a state syllabus, base their local courses, in many instances, on State Syllabi. New York has adopted the International Course for its use in several of the cities of this state where high school credit is given for Bible study.

The Michigan Syllabi.

Possibly, of all the syllabi published, the ones issued by the state of Michigan are the most complete. These syllabi, prepared by Misses Etta L. Wilbur, Nina E. Bristol, and Emma M. Lott, of the high schools of Lansing, in 1922, combine and extend some of the excellent features of other syllabi. They are three syllabi, each designed for two years of Bible study, the entire set covering a six-year course. They may, therefore, be studied, beginning with the junior high school, through the four years of the senior high school. While this outline may resemble the International Plan, it modifies this plan considerably.

Methods of Teaching Suggested by Representative Syllabi.

While some of the syllabi outline in detail the methods of study to be followed and some do not

make any specific suggestions, there are in the introductions and in the organization suggested some methods which the authors have considered essential. Some of the syllabi, such as the one used by Oregon and Iowa, are designed mainly to be a guide to factual information with no explanation or interpretation suggested in the outline, while the Indiana courses and, to a greater extent, the Michigan syllabi emphasize certain objectives, and direct thought through the questions included in their lessons. These carefully prepared questions, as found in the Michigan syllabi, together with the outline maps with definite instructions for their use, constitute a basis for progressive methods in Bible study which should prove valuable to the teacher and lead to the attainment of the fourth objective stated in the introduction—"To stimulate the interest of the young people in the Bible itself so that they will not only read but literally 'search the Scriptures.'" These Michigan syllabi are the result of the suggestions of such authorities as Squires, Weigle, Coe, and many other leaders in biblical study and methods. Under "Methods," in the Introduction, the authors state: "The emphasis is to be placed on the mastery of the contents and on tracing the development of thought. This may be done by employing the same methods of vivid presentation—retelling, dramatizing, etc.—that are used with the pupils of the same age in English literature. Minute analyses, involving theo-

logical and literary problems and pointing to many morals, are to be avoided." The authors of the Iowa Syllabus emphasize the value of concentration, of specific information, and warn against attempting too much and gaining a "little about everything in general in the Bible."

Most of the syllabi emphasize the value of memorizing certain passages marked for beauty or fundamental truth.

The West Virginia plan gives the following suggestions, among others: "Avoid routine reading and shallow discussion. Do not allow the 'chapter method' to prevent a study and grasp of the book as a whole."

"Emphasize the movements and teachings of Christ as being in the midst of a busy, businesslike real people, with occupations, governments, and churches, etc". . .

The divisions and topical sentences tend toward a logical and systematic study in practically all of the outlines, but these divisions and the topical sentences vary a great deal in suggestiveness and interest, some of them being little more than an outline of portions of the Bible with no modification of arrangement or statement of topics. In other words, there is a lack of organization with definite objectives in view, in some of the syllabi, which are definitely present in others, such as the syllabi used by Michigan.

Syllabi Requirements in Giving Credit for Bible Study in High Schools.

There is not a great deal of variation in the requirements for teachers. They are stated as the standard qualification of the high school teacher. In two cases specific training in Sunday School methods or biblical literature is required.

Most states allow one credit for courses in Bible study. Iowa and Michigan allow one and one-half credits, and Arkansas permits two credits. The basis of these credits are forty-minute periods in North Dakota, Maine, Virginia, while Colorado, Iowa, and Indiana stipulate forty-five minute periods. The schools vary as to the number of recitations from seventy-two to eighty. This depends on the local standards of the high school in question for regular high school credits. The greatest variation in requirements is with regard to classrooms and equipment. In most of these states, separate classrooms, with suitable desks, map, and blackboard equipment, are required. In North Dakota, this is suggested, but not required. Provision for supervision of the work is made in Michigan and in some other states. Maine requires a reference library of fifteen out of thirty-seven books specifically suggested. West Virginia requires a six-volume library as reference, including Hasting's *Bible Dictionary*. Possibly there should be

minimum requirements drawn up for all states, with recommendations tending toward raising these standards as this work develops. Most of the plans provide for examinations prepared by a state board or official, to be given under regular arrangement at the high school. These examinations compare favourably with examinations in other subjects. Improvement in these examinations could be made by developing standardized tests making for more uniformity in content and grading. There is some difference in the objectives as outlined by the syllabi, some emphasizing the study of the Bible as literature, others emphasizing the geography and history as well as literature, and still others emphasizing these three features, but making its chief objective religious training with its effect on morals and character. This necessarily is reflected in the type of examination. Some states place greater emphasis on the examination than others, as for instance, Oregon. West Virginia bases the grade on class work, attendance, notebooks, and a thesis, besides the examination.

A creditable beginning has been made in this phase of high school work. A great deal more energy and time needs to be devoted to developing efficient syllabi; to evaluating and setting up definite standards; and to preparing textbooks on methods of teaching the Bible that are simple and richly illustrated with successful experiments and lesson plans.

Chapter V

EVALUATION OF LEGAL STATUS AND EDUCATIONAL POLICIES

General Survey of Movement.

The preceding chapters give us a basis on which to evaluate the legal status and the educational policies of religious education from 1900 to the present time. In this final chapter we desire to restate some of the essential facts of this investigation and to review briefly their meaning and significance for the movement of religious education. It is evident at once that there is a distinct tendency toward giving religious training a more definite and a larger place in our educational system. The problem of religious instruction is gaining wider recognition, and a more systematic and organized effort is being put forth to formulate a program that will prove effective. The last twenty-seven years have been a period of persistent experimentation, which has yielded beneficial results and a gradual and permanent growth of the movement, designed to provide better training in religious truth and ideals. The testimony from many is evidence of the value of this training in the building of character. Successful schools, with effi-

cient teaching personnel, are reported in many places. Laws and policies favouring more training than is given in the regular Sunday School have been passed, thereby establishing a working basis and a coöperative relation between the public school and the church, without infringing on religious liberty. The importance of this adjustment should be fully realized by the promoters of religious education. More time, energy, and money should be expended to make this adjustment so adequate that the religious training will become just as well established as our public school training, and as efficiently administered. The religious training must keep pace with the progressive methods of modern education, providing for the careful training and adequate maintenance of teachers of high moral character. It must respect the legal limitations in a country such as ours, composed as it is of such a variety of religious views and denominations, so that religious instruction does not become denominational propaganda. The different churches must understand and appreciate the great need of coöperation in this movement, if it is to be successful. The various types of religious schools and training, reported in Chapter III, are an evidence of the increasing tendency among the churches to coöperate. The types reported include not only the Individual, but also many Coöperative and Community type schools. The latter plans have an advantage in that they allow for the better

supervision, better organization, more efficiently trained personnel, and more adequate schoolroom facilities. They tend to establish religious education along the most improved lines of progressive educational methods, thereby giving this instruction a status that is readily recognized and accredited by the public school system.

Legal Status of Bible Reading.

An analysis of the laws relating to the use of the Bible in our public schools reveals the fact that eleven states require its reading; seven states specifically permit it by law; twenty-one, while not specifically giving this permission, are legally silent, which is interpreted as legal permission, and reading of the Bible in the public schools of these states is practised. In one of these states, California, the Supreme Court of the state reversed the decision handed down by the attorney-general that the Bible is a sectarian book and therefore should have no place in public school libraries. This decision followed the decision of the District Court, which reversed the decision of the Superior Court of Fresno County that the Bible is a non-sectarian book. The District Court specified the King James version in its decision. Thus while this does not definitely sanction the reading of the Bible in the public schools of California, it does permit its place in the public school library as a *non-sectarian* book.

In eight states only is the reading of the Bible forbidden, and in one state, New York, partially forbidden, New York City making provision for its reading. In three of the eight states, Illinois, Louisiana, and Wisconsin, court decisions hold that Bible reading is a sectarian practice. In Nevada, another of these eight states, the reading is forbidden by the State Superintendent of Public Instruction. The attorneys-general of Minnesota and Washington hold that Bible reading is unconstitutional. The Board of Education of Arizona is the authority which construes the law as forbidding Bible reading in the schools of that state.

This analysis shows varying practices and legal bases with respect to Bible reading. The number of states forbidding the practice are a small minority, and in these the authority forbidding varies from actual court decisions to the interpretation of the law by the State Board of Education.

In all the legal decisions permitting the reading of the Bible, the forbidding of oral comment is stated or, if not stated, implied.

Length of Bible Reading.

In the states requiring Bible reading, the length of these Bible readings is designated by four states. This varies from "not less than five verses" to "not less than a chapter" daily.

In Kansas a folder arranged by D. H. Elliot of

Topeka, and endorsed by State Superintendent of Public Instruction Jess W. Miley, gives a classified list of Bible readings. This list includes passages to be memorized.

New Jersey specifies that the reading shall be taken from the Old Testament, and Idaho specifies "Selections from the Standard American Version furnished by the State Board of Education. Maine indicates that special emphasis should be given to the Ten Commandments, the Psalms of David, the Proverbs of Solomon, the Sermon on the Mount, and the Lord's Prayer. Tennessee specifies that the same selection shall "not be read more than twice a month."

The Use of Public School Time for Religious Instruction.

While the reading of the Bible in our schools gives it a desirable status as a part of our educational system, and undoubtedly is of value as religious training, still this does not constitute an adequate training, even where this Bible reading occurs daily and with some system. Further religious training is necessary on the basis of regular school studies, and as an integral part of the educational program. This additional training is being provided in an increasing number of schools through the use of a small fraction of school time, in most cases one hour a week, when children are dismissed to receive religious instruction, such dismissal being granted on application of the

parent or guardian. An analysis of the legal status and educational policies of this practice reveals, first, that in thirty-four states public school time is used for religious education, and in the remaining fourteen states public school time is not used. Four states, Iowa, Minnesota, Oregon, South Dakota, specifically permit this practice by law. The first "time law" was passed by Minnesota in 1923, and in the other three states in 1925, so these laws are very recent. In 1925 Indiana passed a "time law" which was vetoed by the governor, after the attorney general had rendered a decision that such a law was unconstitutional. In 1926 New Jersey referred the "time law" to the Senate Committee on Education, and up-to-date no action has been taken. In three states, North Dakota, Wyoming, and Washington, the "time law" was defeated in 1925.

Maine and New Jersey permit the use of public school time for religious education on authority of the State Department of Education. Nevada permits it by reason of opinion of Attorney-general. In twenty-three states no specific statute, decision, or opinion has been rendered, but public school time is permitted by usage. In Kansas, North Dakota, Pennslyvania, and West Virginia public school time has been used at various places within these states. The attorneys-general of these states have rendered adverse opinions, but because the practice was in operation before such opinion was rendered, no action was taken to discontinue the practice where it was already insti-

tuted. Allentown, in connection with Muhlenberg College, is conducting religious education in a very progressive manner. Just recently, Pennsylvania has rendered a favourable opinion through its Deputy Attorney, S. M. H. O'Hara, tending toward better coöperation between the public schools and the schools of religious education with regard to the use of school time. In nine of the states that make no use of public school time for religious instruction, there is no specific statute, decision, or opinion adverse to the practice. In Washington the Supreme Court decision is adverse. In Nevada the statute is adverse. In California, the Attorney-general's opinion is adverse; in Arizona and Massachusetts the State Departments of Education have rendered adverse decisions to the use of public school time. Thus again we find that a very small minority of states—only five in number—have specific legal restrictions or civil decisions against the use of public school time, although nine other states are not using this time to impart religious instruction. These nine might do so as far as actual legal or other civil restrictions are concerned. All of the legislation has arisen very recently, showing that increased interest is being aroused in a solution of the problem that will make possible an adequate adjustment for more religious training. The tendency then is specifically toward a use of public school time for this training, and toward the determining of the legal status where necessary.

High School Credit for Bible Study.

Twenty-six states report that high school credit is given for Bible study. Fourteen of these states use official syllabi, outlining definitely the courses to be pursued. Compared with the status as reported by Squires for 1925, a significant gain is noted even in this brief time. While twenty-two states, from their reports, indicate that they are not giving high school credit for Bible study, in only two of these states, Washington and Wisconsin, is this due to legal restrictions. In these two states, court decisions against giving such credit have been rendered. When we consider the recency of this practice, and the variety of religious convictions represented in our nation, with the constitutional right of religious liberty as a fundamental basis of our government, the opposition to Bible study in our high schools is remarkably limited. Much has been accomplished in a brief period of time in adjusting our practice of Bible study so as to conform to the standard of religious liberty and yet to provide for more adequate religious education.

Recommendations for Future Procedure in Promoting Religious Education.

With this data, consisting of the legal status, the reactions of legislatures, courts, Attorneys-general, State Superintendents of Public Instruction, State Boards of Education, local educational boards,

toward the provision for religious education, and the reports of the various practices and experiments made in giving this religious training, we may draw some conclusions as to the procedure that might be recommended for promoting this important training in the future. Evidence, based on this data, draws us to conclude at once that no single type of procedure will be practicable for all situations prevalent. Where one type of adjustment will succeed, another will fail. There are, however, certain fundamental methods and facts that may be stated as general conclusions on which further plans for religious education may be based. In the first place, a very significant trend toward adjustment of the state to religious education has been in progress since 1900, which has resulted in legal sanction in a decided majority of the cases where the legal status has been involved, reaching to the favourable decision by the Supreme Court of the United States that excluded "one general power of the state to standardize its children by forcing them to accept instruction from public teachers only." On the basis of this favourable legislation, while at the same time cognizant of the fact that some adverse decisions have been rendered, the promoters of religious education may assume greater confidence in planning for more extensive religious education with legal sanction backing their work. Where the education is conducted in the public school, as in the case of Bible study for credit, it must rise above denomi-

national or sectarian levels, and maintain the right of religious liberty, thereby avoiding the giving of offense. Where the Community type or Co-operative type of school prevails for religious instruction outside of school, but uses the public school time, a coöperative spirit must be cultivated and maintained, as conflict and dissension in one of these schools does much to retard the progress of the work. This tends to destroy its standing, not only in the community where the school is located, but such lack of coöperation extends its pernicious influence to larger territories and destroys the high standards set up by religious leaders in other places. These high standards include the most progressive methods in teaching—a teaching that develops character through comprehension rather than by rote memory work—a teaching recognizing individual differences and a carefully graded system, including adequate provision for training teachers and for efficient supervision. Where the training attempted in religious education falls below the standards of efficiency maintained by the public school, whether grammar or high school, this training tends to lose caste and cannot hope for the influence it should exert on the pupil accustomed to carefully worked out public school methods and programs. This religious education must secure the recognition of the public for its efficient and progressive methods and textbooks, as well as for the high type of the content or subject matter which is found

in the Bible. It must demonstrate its actual force in the development of the child's religious nature to the extent of winning the approval of educators everywhere, as it has done and is doing in many schools. Through a greater public sentiment will be created more universal legal sanction and a more active support of the movement. Provision of more adequate textbooks and courses of study, modern classroom facilities, and higher requirements and standards with regard to teaching and teachers, will tend to smooth the path toward legal adjustments, and secure for religious training a more permanent place in our modern educational system.

A system that does not make adequate provision for religious training is incomplete. Daniel Webster made the statement, "If the people do not become religious, I do not know what is to become of us as a nation." No nation can long endure that neglects this phase of education. Opinions expressed by many wise statesmen, from our first president, Washington, to and including our present chief executive, President Coolidge, have emphasized this truth. As a nation, our people should make adequate provision for inculcating our present generation with religious truth through an efficient and carefully regulated program of education, a program that will, as well, bequeath to future generations a permanent contribution in the field of religious training.

APPENDIX

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APPENDIX

Text of the Eleven Laws Passed since 1900 Making Bible Reading Obligatory:

ALABAMA (1919).

Sec. 626. "All schools in this State that are supported in whole or in part by public funds shall have once every school day, readings from the Holy Bible.

Sec. 627. "Teachers in making monthly reports shall show on the same that they have complied with the preceding section, and superintendents of city schools in drawing public funds shall certify that each teacher under his supervision has complied with this and the preceding section.

Sec. 628. "Schools in the State subject to the provisions of this and the two preceding sections, shall not be allowed to draw public funds unless the provisions of this and the two preceding sections are complied with, and the State Superintendent of Education is charged with the enforcement of the provisions hereof." (School Code of Alabama, 1924, Page 208.)

DELAWARE (1925).

Sec. 1. "No religious service or exercise, except the reading of the Bible and the repeating of the Lord's

Prayer, shall be held in any school receiving any portion of the moneys appropriated for the support of public schools.

Sec. 22. "In each public school classroom in the State, and in the presence of the scholars therein assembled, at least five verses from the Holy Bible shall be read at the opening of such school, upon each and every school day, by the teacher in charge thereof; Provided that whenever there is a general assemblage of school classes at the opening of such school day, then instead of such classroom reading, the principal or teacher in charge of such assemblage shall read at least five verses from said Holy Bible, in the presence of the assembled scholars as herein directed.

Sec. 3. "Any teacher or principal who shall fail to comply with the provisions of this Act shall be subject to a penalty of twenty-five dollars ($25.00) for the first violation of this Act, and for a second violation of this Act, his or her certificate shall be revoked by the proper authorities." (School Laws, State of Delaware, 1925.)

Florida (1925).

Sec. 1. "That all schools in this State that are supported in whole or in part by public funds, be, and the same are, hereby required to have once every school day readings in the presence of the pupils from the Holy Bible without sectarian comment.

Sec. 2. "That teachers in making monthly reports

shall show on the same that they have complied with this Act, and County Superintendents before drawing warrants on public funds shall ascertain that the payee thereof has complied with this Act.

Sec. 3. "This Act shall take effect upon becoming a law." (Laws Relating to Education Passed by the Florida Legislature Session, 1925, Page 65.)

GEORGIA (1921).

Sec. 19. . . . "Provided, however, that the Bible, including the Old and the New Testament, shall be read in all the schools of this State receiving State funds, and that not less than one Chapter shall be read at some appropriate time during each school day. Upon the parent or guardian of any pupils filing with the teacher in charge of said pupil in the public schools of this State a written statement requesting that said pupil be excused from hearing the said Bible read as required under this Act, such teacher shall permit such pupil to withdraw while the reading of the Bible as required under this Act is in progress. Such a request in writing shall be sufficient to cover the entire school year in which said request is filed." (Georgia State School Items, Oct. 1, 1924, Page 10.)

IDAHO (1925).

Sec. 1. "That selections from the standard American version of the Bible, to be selected from a list of passages furnished from time to time by the State

Board of Education, shall be read daily in all the public schools maintained and conducted by all the school districts of the State.

Sec. 2. "That teachers employed in all such schools shall, at the opening of each morning session of such schools, read, without comment or interpretation, from twelve to twenty verses from the standard American version of the Bible, to be selected from a list of passages designated from time to time by the State Board of Education. The selection may be prepared in advance, but the textual reading shall be rendered from the Bible.

Sec. 3. "The teacher shall not comment upon, interpret, or construe any of the passages or verses read. In response to questions from any pupil or pupils calling for commentary upon, or explanation, construction, or interpretation of any of the verses or passages read, the teacher shall, without comment, refer the inquirer to his parents or guardian for reply." (School Laws of the State of Idaho, May, 1925, Page 57.)

KENTUCKY (1924).

"The teacher in charge shall read or cause to be read a portion of the Bible, daily, in every classroom or session room of the common schools of the State of Kentucky, in the presence of pupils therein assembled, and no child shall be required to read the Bible

against the wish of his parent or guardian." (Kentucky Common School Laws, 1926, Page 10.)

MAINE (1923).

"To insure greater security in the faith of our fathers, to inculcate into the lives of the rising generation the spiritual values necessary to the well being of our and future civilizations, to develop those high moral and religious principles essential to human happiness, to make available to the youth of our land the book which has been the inspiration of the greatest masterpieces of literature, art, and music and which has been the strength of the great men and women of the Christian era, there shall be, in all the public schools of the state, daily or at suitable intervals, readings from the scriptures with special emphasis upon the Ten Commandments, the Psalms of David, the Proverbs of Solomon, the Sermon on the Mount, and the Lord's Prayer. It is provided further, that there shall be no denominational or sectarian comment or teaching and each student shall give respectful attention but shall be free in his own forms of worship." (Laws of Maine Relating to Public Schools, 1925, Page 111.)

MASSACHUSETTS (1921).

"A portion of the Bible shall be read daily in the public schools, without written note or oral comment; but a pupil whose parent or guardian informs the

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teacher in writing that he has conscientious scruples against it, shall not be required to read from any particular version, or to take any personal part in the reading. The school committee shall not purchase or use in the public schools school books favouring the tenets of any particular religious sect." (General Laws Relating to Education, 1923, Massachusetts, Page 38.)

New Jersey (1915).

"In each public school classroom in the state, and in the presence of the scholars therein assembled, at least five verses from that part of the Holy Bible known as the Old Testament shall be read or caused to be read, without comment, at the opening of such school, upon each and every school day, by the teacher in charge thereof; provided, that whenever there is a general assemblage of school classes at the opening of such school day, then instead of such classroom reading, the principal or teacher in charge of such assemblage shall read at least five verses from said portion of the Holy Bible, or cause same to be read, in the presence of the assembled scholars, as herein directed." (School Laws of New Jersey, 1925, Page 112.)

Pennsylvania (1913).

"That at least ten verses from the Holy Bible shall be read or caused to be read, without comment, at the opening of each and every public school, upon

each and every school day by the teacher in charge: Provided, That where any teacher has other teachers under and subject to direction, then the teacher exercising this authority shall read the Holy Bible, or cause it to be read, as herein directed. That if any school teacher, whose duty it shall be to read the Holy Bible, or cause it to be read, as directed in this act, shall fail or omit so to do, said school teacher shall, upon charges preferred for such failure or omission, and proof of the same, before the governing board of the school district, be discharged." (The School Law, 1925, Page 208.)

TENNESSEE (1925).

Sec. 3. "It shall be the duty of the teacher: (4) To read, or cause to be read at the opening of the school every day a selection from the Bible, and the same selection shall not be read more than twice a month." (Public School Laws of Tennessee, 1925, Page 22.)

The following is the text of the law specifically permitting Bible reading:

OKLAHOMA (1914).

Sec. 329. "Sectarian Teaching Prohibited: No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of this state, but nothing in this Section shall be construed to prohibit the reading of the Holy Scriptures." (School Laws of Oklahoma, 1925, Page 71.)

State Supreme Court Decisions Favourable to Bible Reading.

GEORGIA (1922).

Wilkerson et al. v. City of Rome et al. Supreme Court of Georgia. February 18, 1922.

The Case: The Board of Commissioners of the city of Rome enacted an ordinance requiring principals of public schools, or persons invited by them, daily to read without comment some portion of the King James version of the Bible, Old or New Testament, and to offer up prayer, in the hearing of the pupils. Children were to be exempted from participation upon written request of their parents. The Board of Education refused to carry out the ordinance.

The Board of Education pleaded: (a) They are deprived by the ordinance of their legal right to supervise and control the public schools. The ordinance gives principals the right to select passages and offer or have offered any prayer they desire, and thus the principals are removed from the control of the Board of Education. If readings and prayers be a course of instruction, it must be given by a teacher, and the right to select teachers is vested in the Board of Education. (b) The Board of Education can be removed from office, but cannot be compelled to carry out the ordinance. (c) The ordinance is in violation of the Constitution of Georgia, art. 1, No. 1, par. 12; art. 1, No. 1, par. 13; art. 1, No. 1, par. 14. The

reading of the King James version of the Bible is in aid of the Prostestant sect of the Christian church. The King James version is contrary to the beliefs of Roman Catholics, and the New Testament is contrary to the beliefs of the Jews. Many public school pupils of the city of Rome are children of Roman Catholics or Jews, who are taxpayers. The ordinance was passed for the purpose and has the effect of religious instruction, for which people must pay who disapprove of it.

The Superior Court decided against the Board of Education.

Decision of the State Supreme Court: The Supreme Court affirmed the judgment of the Superior Court, and held that the ordinance enacted by the Board of Commissioners was not in conflict with the provisions of the Constitution regarding freedom of religious conscience, freedom of civil status, and freedom from taxation for sectarian purposes.

The decision was five to two, one judge dissenting only because the court would not undertake to compel observance of the ordinance.

Excerpts from the opinion follow:

"There is abundant historical evidence, as well as the opinions of eminent statesmen and jurists, for the statement that the pioneers in the formation and conduct of American colonial governments did not have it in mind to bring about a complete separation of church and state."

"The framers of our constitutions have never in-

tended to declare the policy of this state to be unreligious or unchristian."

"It is contended that the enforcement of the ordinance would be to instruct the school children in the teachings of the Bible in a manner contrary to the beliefs of the Roman Catholic Church and of those of the Jewish faith. But assuming, for the sake of argument, that the contention is broad enough to include individual members of the church, we think that certainly as to paragraphs 12 and 13 of the Constitution, relating to religious freedom of conscience and freedom of civil status, there can be no merit in the contention. It would require a strained and unreasonable construction to find anything in the ordinance which interferes with the natural and inalienable right to worship God according to the dictates of one's own conscience. The mere listening to the reading of an extract from the Bible and a brief prayer at the opening of school exercises would seem far remote from such interference. It would be equally difficult to find anything in the ordinance which could in any way molest any inhabitant of this state in person or property, or prohibit him from holding any public office or trust, on account of religious opinions. Finally, when it is noted that pupils whose parents or guardians so request may, under the terms of the ordinance, be excused from attendance on Bible reading and prayers, the whole contention of plaintiffs in error as to paragraphs 12 and

13 must crumble into nothingness. As to the freedom from taxation clause, paragraph 14, the privilege of the pupil to be excused has no relation. It stands upon quite another basis."

"The mere reading of extracts from the New Testament or the Bible in the public schools cannot in any legitimate sense be considered as an appropriation of public moneys to the support or establishment of a system of religion or a sectarian institution. It is true that the teachers of the public schools are paid from the proceeds of public taxation, and that an insignificant fraction of their time would be consumed in the reading. If the theory contended for could once be established, it might easily be carried to an absurd extent."

"While courts will not undertake to control the exercise of matters intrusted to the discretion of public school officers, nor to compel such officers to do in a specified manner any act which involves discretion and judgment; mandamus will issue to command said officers to act or to set them in motion."

Dissenting opinion: Judge Hines said in part: "Being committed with my whole soul to the doctrine of religious freedom, including freedom from molestation in matters of conscience, I feel in duty bound to give vent to my inability to agree to the conclusion reached by my able associates."

"This ordinance established a system of worship

for the schools of Rome, and thus in this case controls or interferes with the individual worship of God. . . . Religious freedom includes the right not to worship God at all. All pupils of the Rome public schools, unless their parents or guardians, in writing, request that they be excused, are bound to attend these religious exercises. The unexcused children are bound to attend and listen to this worship. It will not do to say that parents or guardians, having conscientious objections to the Rome system of worship, can exempt their children or wards from attendance thereon, and that this exception saves the constitutionality of this ordinance. The exemption of certain classes from the operation of an unconstitutional enactment will not save its face."

"The reading of this version (King James) offends and molests the Catholics and the Jews. The reading of certain texts of this version will molest certain sects of Protestants. The system of worship provided for in this ordinance will offend the deists, atheists, and agnostics."

"We cannot disguise the fact that making the reading of the King James version of the Bible a part of the worship of the public schools puts municipal approval upon that version, and thus discriminates in favour of and aids the Protestant sects of the Christian religion. . . . No public funds can be lawfully taken from the public treasury and used in any

manner which aids any sect or denomination." (Private Schools and State Laws—Charles N. Lischka — Page 123.)

KANSAS (1904).

Billard v. Board of Education of the city of Topeka, Kansas. Supreme Court. April 8, 1904.

The Case: Plaintiff's son was a pupil in one of the public schools of Topeka. This school was generally opened with exercises consisting in part of the repeating of the Lord's Prayer and the reading of the Twenty-third Psalm. The rule was, that pupils were not required to participate in the exercises, but were required to refrain from studying and to preserve order. Upon complaint on the part of plaintiff against this rule of the school, his son was permitted to enter the schoolroom at the close of the opening exercises. For a time the boy absented himself from the exercises, but later he regularly entered with the other pupils, and persisted in disobeying the stated rule. After numerous fruitless admonitions and reproofs, the principal expelled plaintiff's son from the school. The Board of Education, upon appeal, confirmed the expulsion. Plaintiff thereupon instituted action in court against the Board of Education. The basis of his grievance was that the opening exericses of the school were a form of religious worship, to which he and his son were conscientiously opposed, and which

was prohibited by the constitution, No. 7, bill of rights, and No. 8, art. 6, and by No. 6284, Gen. St. 1901.

The District Court rendered judgment in favour of the Board of Education.

Decision of the State Supreme Court: The Supreme Court affirmed the judgment of the District Court, and held that the exercises complained of were not a form of worship, and that neither the constitution nor the statute intended to exclude the Bible from the schools. The decision was unanimous.

Excerpts from the opinion follow:

"There is nothing in the Constitution or statute which can be construed as an intention to exclude the Bible from the public schools. Sec. 2, art. 6 of the Constitution imposes upon the legislature the duty to encourage the promotion of intellectual, moral, scientific, and agricultural improvement by establishing a uniform system of common schools. Every pupil who enters a common school has a right to expect and the public has a right to demand of the teacher, that such pupil shall come out with a more acute sense of right and wrong, higher ideals of life, a more independent and manly character, and higher and truer moral sense of his duty as a citizen, and a more laudable ambition in life than when he entered. The system ought to be so maintained as to make this certain. The noblest ideals of moral character are found in the Bible. To emulate these is the su-

preme conception of citizenship. It could not, therefore, have been the intention of the framers of our Constitution to impose the duty upon the legislature of establishing a system of common schools where morals were to be inculcated and exclude thereform the lives of those persons who possessed the highest moral attainments."

"An examination of the evidence convinces us, as it convinced the learned judge who tried the case, that the exercises of which plaintiff complained were not a form of religious worship, or the teaching of sectarian or religious doctrine. There was not the slightest effort on the part of the teacher to inculcate any religious dogma. She repeated the Lord's Prayer and the Twenty-third Psalm without response, comment, or remark. The pupils who desired gave their attention and took part, those who did not were at liberty to follow the wandering of their own imagination." (Private Schools and State Laws—Charles N. Lischka—Page 127.)

KENTUCKY (1905).

Hackett v. Brooksville Graded School District et al. Court of Appeals of Kentucky. May 31, 1905.

The Case: In the opinion rendered by the Court of Appeals, the case is briefly stated as follows: "Appellant, who resides in the town of Brooksville, and has children attending the Brooksville graded common school, brought this suit against the trustees and

the teachers of the school, seeking an injunction against the use of the English translation of the Bible, known as the 'King James' or 'Authorized Edition,' and to prevent the teachers from opening the school with prayers and songs alleged to be of a denominational character. On full hearing the injunction was denied, and the petition dismissed."

Decision of the Court of Appeals: The Court of Appeals affirmed the judgment of the Circuit Court, and held that opening a public school with prayer did not make the school a "sectarian school" within the meaning of the Constitution, sec. 189; that a public school, opened with prayer and the reading without comment of the King James Bible, during which children were not required to attend, was not "a place of Worship," nor were its teachers "ministers of religion" within the meaning of the Constitution, sec. 5; and that the King James translation of the Bible, or any edition of the Bible, was not a sectarian book, and the reading of it without comment in the public schools was not sectarian instruction, within the meaning of Ky. St. 1903, No. 4368. The decision was unanimous, one judge being absent.

Excerpts from the opinion follow:

"As neither the form nor the substance of the prayer complained of seem to represent any peculiar view or dogma of any sect or denomination, or to teach them, or to detract from those of any other, it is not sectarian, in the sense that the word is com-

monly used and understood, and as it was evidently intended in the section quoted. The constitutional convention, in framing the organic law for all the people of the state, must be presumed to have used ordinary words, not according to the peculiar views of a few, but as generally used. The word 'sectarian,' from the connection in which it is used, cannot be given the construction contended for by appellant, which seems to be that any form of prayer not authorized by a particular church is sectarian."

"Though it be conceded that any prayer is worship and that public prayer is public worship, still appellant's children were not compelled to attend the place while the worshipping was done during the prayer. The school was not 'a place of worship,' nor are its teachers 'ministers of religion,' within the contemplation of sec. 5 of the Constitution, although a prayer may be offered incidentally at the opening of the school by a teacher. Meetings of the General Assembly are opened by prayer, and other state institutions authorize the worship of God. They have never been regarded as fostering sectarian teachings. The complaint in this case goes only to the sectarian feature of the exercises, not because they were religious. It is not contended that it was the purpose of the Constitution to prevent worship, nor to prevent teachers in the public schools from assuming worshipful relations. The great aim was to keep church and state forever separate as distinct institu-

tions; to prevent the government of one from assuming rightful control of the government of the other. Nor is it clear that it was intended to keep religion out of the school, though it is apparent that one aim, at least, was to keep the 'church' out. The question is not presented, and is not, therefore, decided, whether any exercise which partakes incidentally of worship is prohibited."

"That the Bible, or any particular edition, has been adopted by one or more denominations as authentic, or by them asserted to be inspired, cannot make it a sectarian book. The book itself, to be sectarian, must show that it teaches the peculiar dogmas of a sect as such, and not alone that it is so comprehensive as to include them by the partial interpretation of its adherents. Nor is a book sectarian merely because it was edited or compiled by those of a particular sect. It is not the authorship nor mechanical composition of the book, nor the use of it, but its contents that give it its character. Appelant's view seems to be that the church is the custodian and interpreter of the Bible as God's word. From that it is supposed that any Bible not put forth by authority of a church claiming that prerogative is sectarian. The question is not whether the version used is canonical or apocryphal. That question does not at all enter into the matter. Otherwise it would inevitably lead to the state that any book not favoured by some church authority, or which may be supposed by it

to be hostile to its teachings, would be sectarian."

"We believe the reason and weight of the authorities support the view that the Bible is not of itself a sectarian book, and, when used merely for reading in the common schools, without note or comment by teachers, is not sectarian instruction; nor does such use of the Bible make the school house a house of religious worship." (Private Schools and State Laws —Charles N. Lischka—Page 128.)

NEBRASKA (1903).

State ex rel. Freeman v. Scheve et al. Supreme Court of Nebraska, October 9, 1902.

The Case: Daniel Freeman, a resident and taxpayer of Gage County, and patron of the public school in school district 21, alleged that in disregard of his objections the school board permitted a teacher in said public school, daily, during school hours, in the presence of the pupils, to read passages of her own selection from the King James version of the Bible, to sing religious songs and to offer prayers according to the customs of the so-called "Orthodox Evangelical Churches" of this country. The teacher, produced as a witness, admitted that she regarded the exercises as religious worship and conducted them for that reason.

The District Court decided in favour of the school board.

Decision of the State Supreme Court: The Supreme

Court reversed the judgment of the District Court, and held that the practices engaged in, as charged, in accordance with the beliefs and customs of certain sectarian churches, were forbidden by the constitution. The decision was unanimous; however, one judge concurred solely on the ground that the exercises complained of were sectarian instruction, and another judge, concurring specially, disagreed with the view that the exercises complained of made the schoolhouse a place of worship.

Excerpts from the opinion follow:

"Protestant sects who maintain, as a part of their ritual and discipline, stated weekly meetings, in which the exercises consist largely of prayers and songs and the reading or repetition of scriptural passages, would no doubt, vehemently dissent from the proposition that such exercises are not devotional, or not in an exacted degree worshipful, or not intended for religious edification or instruction. That they possess all these features is a fact of such universal and familiar knowledge that the courts will take judicial notice of it without formal proof. That such exercises are also sectarian in their character is not less free from doubt. For more than three centuries it has been the boast and exultation of the Protestants and a complaint and grievance of the Roman Catholics that the various translations of the Bible, especially of the New Testament, into the vernacular of different peoples, have been the chief

controversial weapons of the former and the principal cause of the undoing of the latter."

"In addition to this, there are persons who are convinced, upon grounds satisfactory to them that considerable parts of the writings accepted by all Protestant denominations are not authentic, while devout Hebrews maintain that the New Testament itself is not entitled to a place in the true Bible. The diverse opinions have given rise to a great number of religious sects or denominations. To some of these sects the reading in public of any portion or any version of the Scriptures unaccompanied by authoritative comment or explanation, or the reading of it privately by persons not commissioned by the church to do so, is objectionable, and an offence to their religious feelings; to some the utterance of public prayer, except recitations from Scripture, is a vain and wicked act; and to some the songs and hymns of praise in which others engage are a stumbling block and an offence. We do not think it wise or necessary to prolong a discussion of what appears to us an almost self-evident fact—that exercises such as are complained of by the relator in this case both constitute religious worship and are sectarian in their character, within the meaning of the constitution."

A motion for rehearing was overruled, January 21, 1903. In the opinion overruling the motion, the Court seems to have amplified its former opinion. Following is the syllabus by the Court of the second opinion:

"1. The right of all persons to worship Almighty God according to the dictates of their consciences is declared by the constitution of this state to be a natural and indefeasible right.

"2. There is nothing in the constitution or laws of this state, nor in the history of our people, upon which to ground a claim that it is the duty of government to teach religion.

"3. The whole duty of the state with respect to religion is 'to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.'

"4. Enforced attendance upon religious services is forbidden by the constitution, and pupils in a public school cannot be required either to attend such services, or to join in them.

"5. A teacher in a public school being vested during school hours with a general authority over his pupils, his requests are practically commands.

"6. It is immaterial whether the objection of a parent to his children attending and participating in a religious service conducted by a teacher in the schoolroom during school hours is reasonable or unreasonable. The right to be unreasonable in such matters is guaranteed by the constitution.

"7. The law does not forbid the use of the Bible in the public schools; it is not proscribed either by the constitution or the statutes; and the courts have no right to declare its use to be unlawful because it is

possible or probable that those who are privileged to use it will misuse the privilege by attempting to propagate their own peculiar theological or ecclesiastical views and opinions.

"8. The point where the courts may rightfully interfere to prevent the use of the Bible in a public school is where legitimate use has degenerated into abuse—where a teacher employed to give secular instruction has violated the constitution by becoming a sectarian propagandist.

"9. Whether it is prudent or politic to permit Bible reading in the public schools is a question for the school authorities, but whether the practice of Bible reading has taken the form of sectarian instruction is a question for the courts to determine upon evidence.

"10. It will not be presumed in any case that the law has been violated. Every alleged violation must be established by competent proof." (Private Schools and State Laws—Charles N. Lischka—Page 119.)

TEXAS (1908).

Church et al. v. Bullock et al. Supreme Court of Texas. April 8, 1908.

The Case: The Board of Education of the city of Corsicana passed a resolution informing the superintendent of schools that they would view it with favour if he instituted, in the elementary and high schools, "opening exercises" consisting of the reading of

the Bible without comment, the recital of the Lord's Prayer, and the singing of appropriate songs—or something similar, at his discretion. The superintendent prescribed the exercises suggested, as a part of the regular order of every day. Passages from the King James version of the Bible, both Old and New Testament, selected by the superintendent as being non-sectarian, were read without interpretation, the Lord's Prayer was recited, and patriotic songs were sung. All pupils were required to be present during the exercises and to behave in an orderly and respectful manner. They were invited but not forced to participate. They were requested but not compelled to stand up or bow their heads during the recital of the Lord's Prayer.

Two Catholics, two Jews, and an avowed disbeliever in the Bible, all having children in attendance at the public schools of Corsicana, brought suit to have the exercises stopped. Their contention was that the exercises converted the schoolroom into a place of worship, contrary to sec. 6, art. 1 of the constitution; that the exercises rendered the public schools "sectarian" within the meaning of section 7, art. 1 and section 5, art. 7 of the constitution; and that the exercises constituted the public schools, religious or theological seminaries within the intent of section 7, art. 1 of the constitution.

The District Court and the Court of Civil Appeals

rendered judgments in favour of the Board of Education.

Decision of the State Supreme Court: The Supreme Court affirmed the lower judgment, and held that the exercises complained of were in no sense unconstitutional, and that one or more individuals had not "the right to have the courts deny the people the privilege of having their children instructed in the moral truths of the Bible, because such objectors do not desire that their own children shall be participants therein." The decision was unanimous.

Excerpts from the opinion follow:

"The school at Corsicana was organized under the laws of the state of Texas, and while it might be perverted in actual instruction to purposes foreign to its organization, it would not be a theological or religious seminary because some acts of worship were performed there."

"The school was not rendered sectarian within the meaning of the Constitution by the exercises shown to have been indulged in by the teachers."

"To hold that the offering of prayers, either by the repetition of the Lord's Prayer or otherwise, the singing of songs, whether devotional or not, and the reading of the Bible, make the place where such is done a place of worship, would produce intolerable results. The House of Representatives and the Senate of the State Legislature each elect a chaplain, who,

during the session, daily offers prayers to Almighty God in behalf of the state, and in the most express manner invokes the supervision and oversight of God for the lawmakers. In the chapel of the State University Building, a religious service, consisting of singing songs, reading portions of the Bible, with prayers and addresses by ministers and others, is held each day. The Young Men's Christian Association hold their services in that building each Lord's Day, and the Young Women's Christian Association has a like service in another public building. At the Blind Institute on each Lord's Day prayers are offered, songs are sung, Sunday school is taught, and addresses made to the children with regard to religious matters. Devout persons visit our prisons and offer prayers for those who are confined. An annual appropriation is made for a chaplain for the penitentiary; in fact, Christianity is so interwoven with the web and woof of the state government that to sustain the contention that the Constitution prohibits reading the Bible, offering prayers, or singing songs of a religious character in any public building of the government would produce a condition bordering upon moral anarchy. The absurd and hurtful consequences furnish a strong argument against the soundness of the proposition. The right to instruct the young in the morality of the Bible might be carried to such an extent in the public schools as would make it obnoxious to the constitutional inhibition, not because God is

worshipped, but because by the character of the services the place would be made 'a place of worship.'"

"There is no difference in the protection given by our Constitution between citizens of this state on account of religious beliefs—all are embraced in its broad language, and are entitled to the protection guaranteed thereby; but it does not follow that one or more individuals have the right to have the courts deny the people the privilege of having their children instructed in the moral truths of the Bible because such objectors do not desire that their own children shall be participants therein. This would be to starve the moral and spiritual natures of the many out of deference to the few." (Private Schools and State Laws—Charles N. Lischka—Page 140.)

State Supreme Court Decisions Adverse to Bible Reading.

ILLINOIS (1910).

People ex rel. Ring et al. v. Board of Education of District 24. Supreme Court of Illinois, June 29, 1910.

The Case: Some Catholic residents of a school district of Illinois brought suit to cause to be discontinued as exercises in the public schools of the district the reading of the Bible, the singing of hymns, and the repeating of the Lord's Prayer. In their petition they stated that their children attended the public schools; that certain teachers in these public schools habitually read to the children, during school

hours, portions of the King James Bible, and hymns were sung in concert by the pupils; that during these exercises the children were required to stand up and assume a devotional attitude; that from time to time pupils were asked to explain the meaning of scriptural passages; that there was no private school in the county to which petitioners could send their children; and that the exercises mentioned were sectarian and in violation of the Constitutions of Illinois and of the United States.

The Circuit Court of Scott County dismissed the petition.

Decision of the State Supreme Court: The Supreme Court reversed the judgment of the Circuit Court, and held that the stated exercises constituted sectarian instruction and made the public school a house of worship, in violation of Ill. Const., Art. 3, Sec. 2, and Art. 8, Sec. 3. The decision was 5 to 2.

Excerpts from the opinion follow:

"The exercises mentioned in the petition constitute worship. They are the ordinary forms of worship usually practised by Protestant Christian denominations. Their compulsory performance would be a violation of the constitutional guaranty of the free exercise and enjoyment of religious profession and worship. One does not enjoy the free exercise of religious worship who is compelled to join in any form of religious worship."

"It is further contended that the reading of the

Bible in the schools constitutes sectarian instruction, and that thereby the provision of the Constitution is also violated which prohibits the payment from any public fund of anything in aid of any sectarian purpose. The public schools are supported by taxation, and if sectarian instruction should be permitted in them the money used in their support would be used in aid of a sectarian purpose. The prohibition of such use of public funds is therefore a prohibition of the giving of sectarian instruction in the public schools."

"The reading of the Bible in school is instruction. Religious instruction is the object of such reading, but whether it is so or not, religious instruction is accomplished by it. The Bible has its place in the school if it is read there at all, as the living word of God, entitled to honour and reverence. Its words are entitled to be received as authoritative and final. The reading or hearing of such words cannot fail to impress deeply the pupils' minds. It is intended and ought to so impress them. They cannot hear the Scriptures read without being instructed as to the divinity of Jesus Christ, the Trinity, the resurrection, the baptism, predestination, a future state of punishments and rewards, the authority of the priesthood, the obligation and effect of the sacraments, and many other doctrines about which various sects do not agree. Granting that, instruction on these subjects is necessarily sectarian, because, while it may be consistent with the doctrines of one or many of the

sects, it will be inconsistent with the doctrines of one or more of them. The petitioners are Catholics. They are compelled by law to contribute to the maintenance of this school, and are compelled to send their children to it, or, besides contributing to its maintenance, to pay the additional expense of sending their children to another school. What right have the teachers of the school to teach those children religious doctrine different from that which they are taught by their parents? Why should the state compel them to unlearn the Lord's Prayer as taught in their homes and by their church and use the Lord's Prayer as taught by another sect? If Catholic children may be compelled to read the King James version of the Bible in schools taught by Protestant teachers, the same law will authorize Catholic teachers to compel Protestant children to read the Catholic version. The same law which subjects Catholic children to Protestant domination in school districts which are controlled by Protestant influences will subject the children of Protestants to Catholic control where the Catholics predominate. In one part of the state the King James version of the Bible may be read in the public schools, in another the Douai Bible, while in school districts where the sects are somewhat evenly divided, a religious contest may be expected at each election of a school director to determine which sect shall prevail in the school. Our Constitution has wisely provided against any such contest by exclud-

ing sectarian instruction altogether from the school."

"The only means of preventing sectarian instruction in the school is to exclude altogether religious instruction, by means of the reading of the Bible or otherwise. The Bible is not read in the public schools as mere literature or mere history. It cannot be separated from its character as an inspired book of religion. It is not adapted for use as a textbook for the teaching alone of reading, of history, or of literature, without regard to its religious character. Such use would be inconsistent with its true character and the reverence in which the Scriptures are held and should be held. If any parts are to be selected for use as being free from sectarian differences of opinion, who will select them? Is it to be left to the teacher? The teacher may be religious or irreligious, Protestant, Catholic, or Jew. To leave the selection to the teacher, with no test whereby to determine the selection, is to allow any part selected to be read, and is substantially equivalent to permitting all to be read."

"It is true that this is a Christian State. The great majority of its people adhere to the Christian religion. No doubt this is a Protestant state. The majority of its people adhere to one or another of the Protestant denominations. But the law knows no distinction between the Christian and the Pagan, the Protestant and the Catholic. All are citizens. Their civil rights are precisely equal. The law cannot see religious differences, because the Constitution has definitely and

completely excluded religion from the law's contemplation in considering men's rights. There can be no distinction based on religion. The state is not, and under our Constitution cannot be, a teacher of religion. All sects, religious or even anti-religious, stand on an equal footing. They have the same rights of citizenship, without discrimination. The public school is supported by taxes which each citizen, regardless of his religion or his lack of it, is compelled to pay. The school, like the government, is simply a civil institution. It is secular, and not religious, in its purposes. The truths of the Bible are the truths of religion which do not come within the province of the public schools. No one denies their importance. No one denies that they should be taught to the youth of the state. The Constitution and the law do not interfere with such teaching, but they do banish theological polemics from the schools and the school districts. This is done, not from any hostility to religion, but because it is no part of the duty of the state to teach religion—to take the money of all, and apply it to teaching the children of all the religion of a part only. Instruction in religion must be voluntary. Abundant means are at hand for all who seek such instruction for themselves or their children. Organizations whose purpose is the spreading of religious knowledge and instruction exist, and many individuals, in connection with such organizations and independently, are devoted to that work. Religion is taught and should be

taught in the churches, Sunday schools, parochial and other church schools and religious meetings. Parents should teach it to their children at home, where its truths can be most effectively enforced. Religion does not need an alliance with the state to encourage its growth. The law does not attempt to enforce Christianity. Christianity had its beginning and grew under oppression. Where it has depended upon the sword of civil authority for its enforcement it has been weakest. Its weapons are moral and spiritual and its power is not dependent upon the force of a majority. It asks from the civil government only impartial protection and concedes to every other sect or religion the same impartial civil right."

"The Kentucky and Kansas decisions seem to consider the fact that the children of the complainants were not compelled to join in the exercises as affecting the question in some way. That suggestion seems to us to concede the position of the plaintiffs in error. The exclusion of a pupil from this part of the school exercises in which the rest of the school joins, separates him from his fellows, puts him in a class by himself, deprives him of his equality with the other pupils, subjects him to a religious stigma and places him at a disadvantage in the school, which the law never contemplated. All this is because of his religious belief. If the instruction or exercise is such that certain of the pupils must be excused from it because it is hostile to their or their parents' religious belief,

then such instruction or exercise is sectarian and forbidden by the Constitution."

Dissenting opinion: "The Bible is not mentioned in the Constitution, nor is there found therein any express inhibition against the giving of religious or moral instruction in the public schools, and while the Constitution is silent upon these subjects, it has been from the formation of our state government to the present time universally recognized by the people that there are certain fundamental principles of religion and morality which the safety of society requires should be imparted to the youth of the state, and that those principles may be properly taught in the public schools as a part of the secular knowledge which it is their province to instill into the youthful mind."

"It has always been understood that those general provisions found in the several state Constitutions which usually appear in what are designated as a 'bill of rights,' and which provide that the enjoyment of the free exercise of religious profession and worship, without discrimination, shall be forever guaranteed to the people, and that they shall not be required to attend upon or support any ministry or place of worship against their consent, were primarily designed to prevent the establishment of a state religion or the compulsion of the citizen to support, by taxation or otherwise, an established ministry or places of established worship, it being the object of such constitu-

tional provisions to work a complete divorcement of the state and the church, and to sever the relation between state and church which had existed in the mother country prior to the Revolution and secure to the citizens freedom of conscience in the matter of religious belief and worship, and that the instruction which was to be imparted in the public schools did not fall within those provisions of the Constitution unless the instruction sought to be imparted degenerated into what may properly be designated as denominational or sectarian instruction, and fall within the inhibitions of those provisions of the Constitution which were enacted with a view to placing all religious denominations or religious sects upon an equality before the law. . . . We think it obvious, therefore, that all must agree that there can be no rational constitutional basis upon which this court can hold that the Bible can be excluded from the public schools of the state other than upon the ground that it is sectarian in character and falls within those inhibitions of the Constitution which prohibit teaching in our public schools the beliefs and doctrines of the different denominations or sects into which the believers of the Bible have in the course of time divided."

"While it is true this court may construe the Constitution, it has not the power, and it should not, under a pretext to construe the Constitution, amend it, and certainly not in a case like this, where the effect of the amendment will be to deprive many thousands

of children living in this state of any knowledge of the principles taught in the Bible, as the Bible is not taught in all the homes of the state, and the only knowledge must be through the public schools, and if they do not get such knowledge there it will be lost to them entirely. We therefore most respectfully dissent from the majority opinion, and earnestly protest against a result which excludes the Bible from the public schools of the state." (Private Schools and State Laws—Charles N. Lischka—Page 113.)

LOUISIANA (1915).

Herold et al. v. Parish Board of School Directors et al. Supreme Court of Louisiana, March 22, 1915. Rehearing denied, April 12, 1915.

The Case: Plaintiffs, resident taxpayers of Caddo parish, complain of the action of the Parish Board of School Directors in adopting a resolution requesting principals of public schools to open daily sessions of schools with readings from the Bible, without note or comment, and with the Lord's Prayer when the leader is willing to do so. Two of the plaintiffs are Jews and the third is a Catholic. Plaintiffs allege that the Bible referred to in the resolution is the King James Bible; that reading of the Bible and saying the Lord's Prayer in a public school are exercises prohibited by the Constitution of the state, art. 4 and art. 53; that the resolution compels their children to join in worship contrary to their consciences; that

such services are sectarian worship; and that such action is a preference in favour of Protestants and a discrimination against Catholic and Jewish worship.

The Parish School Board denied having any intention of permitting any teacher to resort to sectarian practice, or any intention of forcing anyone to read any Bible, or any intention of excluding the Catholic or Jewish Bibles. They also denied that the Bible is a sectarian book.

The District Court decided in favour of the school directors.

Decision of the State Supreme Court: The Supreme Court reversed the judgment of the District Court, and held that the resolution of the Parish Board of School Directors, in as far as it affected the rights of conscience of the Jews, was in violation of the constitution. The decision was unanimous, one judge recusing on account of relationship to one of the parties.

Excerpts from the opinion follow:

"The complaint of Mr. Marston (Catholic) that the reading of the Bible would be contrary to the dictates of his conscience is not clear. He fails to point out in his petition wherein his conscience would be violated."

"As the court will not concern itself with the differences, or alleged errors, in the different translations of the Christian Bible, or the Bibles of the Christians, we cannot conclude that plaintiff Marston or his

children would have their consciences violated by the reading of the Bible, or the offering of the Lord's Prayer, which prayer is contained in all versions or translations of the New Testament."

"While the resolution simply requests principals and teachers of the public schools of Caddo parish to open daily sessions with reading from the Bible, without note or comment, the preamble to the resolution shows that this reading is for the purpose of teaching children 'at the most impressionable age' 'lessons and truths contained within the Holy Bible' as being 'of paramount value in creating and maintaining a better moral atmosphere' in the community at large, and also in the individual life.

"The 'lessons and truths' may be taught from the New Testament as well as the Old Testament. The Christian parents might not be heard to object to the 'lessons and truths contained within the Holy Bible' being taught to their children for the purpose of inculcating morals, because they profess to believe in the inspiration of the whole Word. But with the Jew it is different. He denies that the New Testament is the word of God, and he denies our Saviour. He does not deny most of the moral teachings of Jesus Christ, but he denies His divinity and His resurrection.

"And as he is guaranteed 'the natural right to worship God, according to the dictates of his conscience,' and as the resolution in question permits

'lessons and truths' to be read or taught from the New Testament, particularly concerning the Son of God and His resurrection from the dead, etc., it gives a preference to the children of the Christian parents, and discriminates against the children of the Jews. The resolutions are therefore violative of the Constitution."

"It is a fact that the reading of the Bible is religious instruction, and that when the New Testament is read it is Christian instruction. The character of the Book is that it is a pious one, and it is essentially religious. It is not adapted for use as a textbook for the teaching alone of reading, history, or of literature, without regard to its religious character. Such use would be inconsistent with the true character and the reverence in which the Scriptures are held, and should be held.

"To permit the teacher to select the part of the Bible to be read without test whereby to determine the selection is to allow any part, or all parts, to be selected."

"The answer made by defendants that 'in all of said schools the said teachers might with due propriety have excused from attendance on such exercises the children of said plaintiffs and others of similar belief, if so requested by the students or their parents or guardians,' is an admission of discrimination against the children of those citizens whose consciences disapprove of the Scriptures selected and

read by the teacher of the class in which the children of said citizens happened to be.

"Under such circumstances, the children would be excused from the opening exercises of the school because of their religious beliefs. And excusing such children on religious grounds, although the number excused might be very small, would be a distinct preference in favour of the religious beliefs of the majority, and would work a discrimination against those who were excused. The exclusion of a pupil under such circumstances puts him in a class by himself; it subjects him to a religious stigma; and all because of his religious belief. Equality in public education would be destroyed by such action, under a Constitution which seeks to establish equality and freedom in religious matters. The Constitution forbids that this shall be done." (Private Schools and State Laws—Charles N. Lischka—Page 117.)

The Bible in Public School Libraries.

California (1922).

Evans v. Selma Union High School District of Fresno County, et al. (Enos, Intervener. 1922). Supreme Court of California, January 24, 1924. Rehearing denied, February 21, 1924.

The Case: In the written opinion of the Supreme Court, the case is stated as follows: "Plaintiff brought this action to enjoin the trustees of the Selma union high school district of Fresno county

from carrying into effect a resolution for the purchase of twelve copies of the Bible in the King James version for the library of the high school. George Enos was permitted to intervene, and filed a complaint which alleged substantially the same matters and sought the same relief as that of plaintiff. Both complaints rest on the contention that the King James version of the Bible is a book of a sectarian character, and that its purchase for the library of a public school is therefore contrary to the constitutional and statutory provisions in this state.

"The trial court held that the Bible in the King James version was not a publication of a sectarian, partisan, or denominational character, and accordingly gave judgment for the defendants. This appeal is from that judgment."

Decision of the State Supreme Court: The Supreme Court affirmed the judgment of the Superior Court, and held that the resolution of the trustees of the high school was not in violation of the Constitution of California, article 1, section 4, article 4, section 30, article 9, section 8, nor of Political Code, paragraphs 1607 and 1672. The decision was unanimous.

Excerpts from the opinion follow:

"The question before us is different from those dealt with in reported cases which consider the question of Bible instruction in the public schools. We have examined with care all decisions cited by counsel and all that our independent research has

discovered, and not one of them deals with the precise question now under consideration, namely, the placing of the Bible in a public school library. These decisions all deal with questions growing out of the use of the Bible in devotional exercises or for religious instruction or as a textbook in the public schools; for that reason we do not discuss these decisions in detail in arriving at our conclusion, although some of these decisions consider and decide whether or not the Bible is sectarian. In our opinion, for the reasons hereafter stated, it is clear that for reference and library purposes in the public schools, it is not a book of the class prohibited by our statute."

"It will be seen from the provisions of our statutes that they do not in terms exclude from these schools 'religious' books as such. Indeed, there is nothing in our statutes aiming at religious works. To be legally objectionable they must be 'sectarian, partisan, or denominational in character.' It is under our Code provisions that this question immediately arises, and their terms must be construed with their intent and purpose in view and the mischief at which they were aimed. The terms used are 'sectarian' and 'denominational.' 'Sect,' strictly defined, means 'a body of persons distinguished by peculiarities of faith and practice from other bodies adhering to the same general system' (Standard Dict.), and 'denominational' is given much the same definition. But the term 'sect' has frequently a broader signification, the activities

of the followers of one faith being regarded as sectarian as related to those of the adherents of another. Since the object of these Code provisions was to exclude controversial matters of any kind from the school libraries, in so far as that object could be attained by the exclusion of printed matter of partisan tendency, we have no doubt that the term 'sectarian' was used in its broad signification. The purpose was to bar from school libraries books and other publications of factional religion—those whose character is 'sectarian, partisan, or denominational.' As a book on almost any subject may adopt a partisan tone, so a book on religion, instead of confining itself to broad principles and simple fundamentals, may emphasize particular points—those upon which differences of opinion have arisen. In a word, a book on any subject may be strongly partisan in tone and treatment. A religious book treating its subject in this manner would be sectarian. But not all books of religion would be thus excluded. The fact that it was not approved by all sects of a particular religion, nor by the followers of all religions, would not class it as sectarian for library purposes. There is no religion that has found universal acceptance, and therefore no book of religion that has."

"The statute, however, deals with publications of a sectarian character. It makes the character of the book the test of whether it is 'sectarian,' not the authorship or the extent of its approval by different

sects or by all. That the authors of religious books belong to a sect or church does not necessarily make their books of a sectarian character. Nor does the fact that the King James version is commonly used by Protestant churches and not by Catholics make its character sectarian. Its character is what it is, a widely accepted translation of the Bible. What we have said of the King James translation is equally applicable to the Douai version. Both are scholarly translations of the Bible, and neither is a book 'of a sectarian character' within the meaning of the statute relating to school libraries. Both are eligible to a place on the shelves of our public school libraries for reference purposes."

"If it were a fact that the King James version of the Bible was sought to be placed in the public library to the exclusion of all other versions of the Bible, or if it appeared to be a fact that this particular version or any other version of the Bible was to be used as a textbook for a prescribed course of study or to be used in reading therefrom to the pupils as a part of school exercises, it might then be well argued that such circumstances amounted to an implied declaration that this version was the only true version of the Scriptures, and that all others were false in so far as not in accord therewith. So used and under such circumstances it might be justly claimed to be used as a basis for sectarian instruction. Such are not the facts in the case at bar. The mere fact of purchasing a book

to be added to the school library does not carry with it any implication of the adoption of the theory or dogma contained therein, or any approval of the book itself, except as a work of literature fit to be included in a reference library. For aught that appears in the instant case the library in question may already contain copies of the Douai version of the Bible as well as copies of the Talmud, Koran, and teachings of Confucius. If the Douai version and those other books are not already in the library, we have no right to assume that they will not be added thereto in the future. That such action would be legal and appropriate, we have no doubt."

"We are not required in this case to decide, nor are we to be understood as deciding, the question of whether or not the use of the Bible for class instruction amounts to the teaching of sectarian or denominational doctrine, nor to consider whether or to what extent its reading may be made a part of the exercises in the schools, without offending the provisions of the state Constitution and statutes." (Private Schools and State Laws—Charles N. Lischka—Page 150.)

Legislation Favourable to Bible Reading Vetoed by Governor.

OHIO: *House Bill No. 14.* Passed by both Houses and vetoed by Governor, 1925.

"Section 1. At least ten verses from the Holy Bible shall be read, or caused to be read, without comment,

at the opening of each and every public school, upon each and every school day, by the teacher in charge; . . .

"Section 2. It shall be the duty of the state director of education to prepare a manual of Scripture selections for each day of school term annually and furnish same for all of the public schools of the state.

"Section 3. Pupils above the fourth grade shall be required to commit to memory the Ten Commandments.

"Section 4. If any teacher, or superintendent or principal, whose duty it shall be to read the Holy Bible, or cause it to be read, as directed in this act, shall fail or omit to do so, said teacher, superintendent, or principal shall, upon charges preferred for such failure or omission, and proof of same, before the board of education of the school district, be discharged."*

Important Decisions of State Superintendents of Public Instruction. New York.

(No. 1985) State of New York, Department of Public Instruction.

1. On the appeal of Thomas McMahon and others, Board of Trustees of the First Ward of Long Island City, Queens County, against John Fahnstock and others, Board of Education of Long Island City.

2. Owen McEleamey and others, against the same.

3. Edward McBennet against the same. Before the Superintendent.

These three appeals are all against the same respondents, and, as they involve but one and the same question, they may conveniently and properly be considered and disposed of together. The respondents compose the Board of Education of Long Island City, a body created under the provisions of Chapter 461, Laws of 1871, for the general local supervision and control of the public schools of Long Island City. The ground of appeal, in all these cases, is the action of the respondents under a provision in a by-law adopted by them for the conduct of the schools under their charge. That provision is in the following words: "The daily opening exercises shall consist of the reading of a portion of the Holy Scripture, without note or comment."

The appellants in the first of the above entitled cases, who are the trustees of the first ward of Long Island City, complain of the enforcement, under the direction of the respondents, of the provision of the by-law above cited, by compelling the pupils in the school of the first ward to be present at the reading of the Bible therein, under penalty of expulsion from school in case of their non-attendance at such reading.

The appellants in the second appeal complain of the threatened expulsion, in some instances, of their children from the first ward school, because the appellants forbade their attendance upon the religious

exercise in question, and in other instances they show that their children were actually expelled from that school for refusing, in obedience to the direction of their parents, to attend school when the Bible was read.

The third appeal is by a resident of the second ward of Long Island City, who alleges that his child was expelled from the school of that ward for refusing, under the direction of the appellant, to attend at the reading of the Bible therein. The late Hon. V. M. Rice, in a decision rendered by him February 5, 1866, said: "A teacher has no right to consume any portion of the regular school hours in conducting religious exercises, especially where objection is raised. The principle is this: Common schools are supported and established for the purpose of imparting instruction in the common English branches; religious instruction forms no part of the course. The proper places in which to receive such instruction are churches and Sunday schools, of which there is usually a sufficient number in every district. The money to support schools comes from the people at large, irrespective of sect or denomination. Consequently, instruction of a sectarian or religious denominational character must be avoided, and teachers must confine themselves, during school hours, to their legitimate and proper duties." (Code of Public Instruction, p. 349.)

"The action of the board of education of Long Island City, in directing the reading of a portion of the Bible as an opening exercise in the schools under their charge, during school hours, and in excluding pupils from those schools, or any of them, on the ground of declining to be present at the reading, has been without warrant of law.

"The appeals must therefore be, and are, hereby sustained. The proper course for those who are dissatisfied with the rule established by the decisions above cited, and who desire a different or more explicit regulation on the subject, is to apply to the Legislature for such enactments as will meet their views. Contentions about the construction of general principles of law might thus be obviated by plain statutory provisions.

"All persons, otherwise entitled to attend any of the schools of Long Island City, and who have been and are excluded therefrom for a refusal to be present at the reading of the Bible therein, have had the right to be admitted to such schools upon the same footing as other pupils rightfully attending them; and it is, therefore, the duty of the said board of education to see that the right of all such persons, in that respect, is accorded to them.

"This decision must be filed with the clerk of the board of education of Long Island City, and notice thereof must be given by him to the members of the

board, and to the appellants in the appeals above, numbered 2 and 3, with opportunity to examine the same."

"Given under my hand and the seal of the Department of Public Instruction at Albany, this 5th day of June, 1872.

ABRAM B. WEAVER,
Superintendent of Public Instruction.

State of New York,
Department of Public Instruction,
Superintendent's Office,
Albany, May 27, 1884.

(In the matter of the application of the Board of Education of Union Free School District No. 4, of Orangetown, Rockland Co.)

This application represents that the above-named board of education "wish to move unerringly, but firmly, in the matter of sustaining the reading of Scripture and prayer as a part of the exercises in opening the daily sessions of our public school"; that the board has "not required the children of non-Protestant families to participate in repeating Scripture or the Lord's Prayer, but has simply required them to behave with decorum"; that a number of Catholic families "ask that their children be allowed to remain outside until the devotional exercises are concluded," and that "this interference causes much disorder outside of the room, and the subsequent entrance of these pupils causes a loss of

time and disturbance to class work. . . . The only alternative, therefore, to preserve the benefits of the constitutional guarantees, in letter and spirit, and to secure to all absolute equality of right in matter of religious predilection, must be, however reluctantly the conclusion is arrived at, to exclude religious instruction and exercises from the public schools during school hours."

This conclusion involves the enunciation of no new principle. An examination of the records in this Department shows a uniform series of decisions by my predecessors, extending over a period of more than forty years, in substantial conformity with the views above expressed." In 1838, Hon. John A. Dix, then Superintendent of Common Schools, referring to a former decision in 1837, says (Orders and Decisions, 6:391) "I have heretofore decided that a teacher might open his school with prayer, provided he did not encroach upon the hours allotted to instruction; and provided that the attendance of the scholars was not exacted as a matter of school discipline." This was a case in which the teacher was in the habit of attending at the schoolhouse at 15 minutes before 9 in the morning (9 o'clock being the hour for opening the school), and devoting the intermediate time to religious exercises.

In 1839, Superintendent John C. Spencer, having occasion to examine and pass upon the question (Orders and Decisions, 8:101) says: "Prayers cannot

form any part of the school exercises or be regulated by the school discipline. If had at all they should be had before the hour of 9 o'clock, the usual hour of commencing school in the morning, and after 5 in the afternoon.

"The principles laid down in these early decisions had been followed by every one of my predecessors in office, no distinction having been made between Scripture reading and prayers, but each having been held, in separate and distinct appeals, to constitute no legitimate part of the business of the public schools. They will be my guide and govern my action in all cases of like nature which may come officially before me.

"In the particular case now under consideration, with these principles in view and a disposition to carry them out fairly, and to respect the rights and conscientious opinions of all, the board of education will, I think have no difficulty in avoiding further contention and securing harmony in the school."

W. B. RUGGLES 1884,
State Superintendent of Public Instruction.
(Bulletin of New York State Department of Education, May 1, 1920.)

"These decisions have been consistently followed by this Department when similar questions have arisen."

(Irwin, Esmond, Director and Assistant Counsel of the State Department of Education, Dec. 21, 1925.)

Minimum Requirements for Week-day Religious Schools in Oregon.

The State Superintendent of Public Instruction of the State of Oregon, J. A. Churchill, issues a pamphlet called, "Course of Study for Week-day Religious School," which contains the outline of graded course of study, for grades I and IX inclusive, and also the following statement of minimum requirements for a week-day religious school:

"(a) The teacher must hold a certificate issued by the superintendent of public instruction in Oregon, authorizing the holder to teach in the week-day religious school. A board of seven examiners will pass upon the sufficiency of an applicant's preparation for the certificate, and recommend to the superintendent of public instruction for or against its issuance. The minimum preparation required is six years of school work beyond the eighth grade, an adequate knowledge of the subject matter, and a training for imparting religious instruction. Blanks upon which application for a certificate may be made will be mailed from the office of the superintendent of public instruction.

"(b) The teacher must receive an adequate remuneration for her services, and the budget for the school must be prepared and satisfactorily underwritten.

"(c) Since the children are attending the school on public school time, public school authorities must

have full control over the pupils while going to, from, and attending the classes.

"(d) The graded course of study, as herein outlined, must be followed. The outlines are the minimum amount of work required to be done, and the authorities of the week-day religious school may supplement with such instruction as they may desire to have given.

"(e) The school must be properly lighted, heated, ventilated, and equipped for school work."

State Laws Which Specifically Permit Granting Public School Time.

Iowa (1925).

"4410. Any person having control of any child over seven and under sixteen years of age, in proper physical and mental condition to attend school, shall cause said child to attend some public or private school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December.

"The board may, by resolution, require attendance for the entire time when the schools are in session in any school year.

"In lieu of such attendance such child may attend upon equivalent instruction by a competent teacher elsewhere than at school.

"4411. The preceding section shall not apply to any child: . . . 4. While attending religious services or receiving religious instructions." (State of Iowa—School Laws with Annotations and Decisions, 1925, Page 145.)

MINNESOTA (1923). *Bill 3979.*

284. Attendance age. . . ." Every child between eight and sixteen years of age shall attend a public school, or a private school, in each year during the entire time the public schools of the district in which the child resides are in session; provided, however, that no child shall be required to attend public school more than ten (10) months during any calendar year. In districts maintaining terms of unequal length in different public schools, this requirement shall be satisfied by attendance during the shorter term.

"Such child may be excused from attendance upon application of his parent, guardian, or other person having control of such child, to any member of the school board, truant officer, principal, or city superintendent, for the whole or any part of such period, by the school board of the district in which the child resides, upon its being shown to the satisfaction of such board: . . .

3. "That it is the wish of such parent, guardian, or other person having control of any child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for

religious instruction, conducted and maintained by some church or association of churches, or any Sunday School association incorporated under the laws of this state, or any auxiliary thereof, such school to be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, at public expense; provided that no child shall be excused under this section while attending upon instruction, according to the ordinances of some church, under and pursuant to subdivision 4 of this act."

OREGON (1925).

Section 145. "Children may be excused to attend schools giving religious instruction.

That any child attending the public school, on application of his guardian or either of his parents may be excused from such school for a period or periods not exceeding one hundred and twenty (120) minutes in any week to attend week-day schools giving instruction in religion." (Oregon School Laws 1925, Page 54.)

SOUTH DAKOTA (1923). *Senate Bill 182.*

". . . (1) Provided further that a child may on application of his parents or guardian be excused from school for one hour per week, for the purpose of taking and receiving religious instruction, conducted by some church or association of churches, or any Sunday School Association incorporated under the laws

of the State, or any auxiliary thereof, said time when pertaining to schools in open country may be used cumulatively each separate month as local circumstances may require."

Note: The County Superintendent of Schools in Common School Districts and the Board of Education in Consolidated and Independent School Districts shall decide at what hour pupils may be thus excused, and in no event shall such instruction be given in whole or in part at public expense.

Bills Defeated During the Period 1900–1926, Which Would Have Made Provision for Granting "Public School Time" for Religious Instruction.

California (1925).

"The board of education of any city, or city and county or the board of trustees of any school district shall, upon the written request of parents or guardians, excuse his or her child for 60 to 180 minutes in any week to permit such child to attend week-day schools giving instruction in religion. Said child may be excused at any hour of the day designated by the school authorities, provided, that such child so excused shall be held accountable for all work prescribed for his class."

Colorado (1925).

Sec. 1. "That from and after the passage of this Act it shall be lawful for the school board of any

school district of whatever class within the State of Colorado, and they shall have the power, upon the written request of the parent or guardian of any child or children to release said child or children from school for a period of not less than sixty minutes out of each week for the purpose of permitting said child or children to receive religious instruction: Provided, however, that said school board shall not dictate or suggest directly or indirectly to such child or children, nor permit any teacher to dictate or suggest to such child or children the form of religious instruction to be received, nor shall such board or teacher in any manner prevent any such child or children from receiving the religious instruction favoured by said parent or guardian.

Sec. 2. "That the school board shall have full power to designate the hours which shall be set aside for religious instruction and that only such child or children as are actually receiving religious instruction through the agency of a regularly organized body, shall be released from attendance at school during the period so designated: Provided, however, that nothing in this Act shall be construed as attempting to compel any parent or guardian to send a child to receive religious instruction."

INDIANA (1925).

The 1925 Legislature passed an Act providing for the dismissal of school children during school hours

for religious instruction. It failed to become a law because the governor on the advice of the Attorney-General did not sign it. Attorney-General Gilliom declared the Act unconstitutional because:

(1) "Technically it was not properly introduced."

(2) "It violate the sections in the bill of rights of the Indiana constitution which provides for religious freedom."

(3) "The act provide for state regulation of schools conducted for the sole purpose of instructing in religion."

(4) "It is significant that in Sec. 1 of Art. 8 of the constitution, which requires the Legislature to provide by law for free common school education, the duty imposed was limited to encouraging moral, intellectual, scientific, and agricultural improvements. Religion was not mentioned in this section...."

An answer purporting to be the judgment of many of the best attorneys has been made to the above opinion of Attorney-General Gilliom, pointing out that he has erred in his opinion in the following respects: (1) "That he was mistaken in claiming that the bill is in violation of the constitutional provision regarding the manner in which a bill should be introduced." (2) "That he errs in holding that the bill was a discrimination in favour of some kinds of religion and against others, and a violation of religious freedom. The excusing of children two hours a week is not compulsory but volitional. . . . Certainly if it

is legal to permit some of the children to be excused for full time to attend schools maintained and established for religious purposes, it would be constitutional to permit them to be excused two hours a week." (3) "The bill does not provide for the regulation of religion, but only for the regulation of attendance." . . . "The Attorney-General's legal attitude, logically carried out, would abolish all parochial schools." (4) "The bill is not in violation of the constitutional provision that "it shall be the duty of the general assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvements, and to provide by law for a general and uniform system of common schools." Because religion is not mentioned by name is no assumption that "instruction given in religion would not be knowledge, learning, moral or intellectual." "Many other subjects have been introduced into the schools without having been specifically mentioned in this provision. . . ."

(*Research Service in Religious Education*, January, 1926. Published by the International Council of Religious Education.)[1]

North Dakota (1925).

Sec. 1. "That any parent, guardian, or other person having control of any child or children of

[1]Note. For full statement of bills, opinion, and errors of opinion consult the bulletin "Religious Education in the Legislature", published by the Indiana School of Religion, Bloomington, Indiana.

compulsory school age may, if desired, have such child or children attend, for a period or periods of not less than one hour nor in the aggregate more than three hours in each week a school for religious instruction conducted and maintained by some religious organization, but not at public expense."

Legal Decisions Relative to Use of Public School Time. New York.

Dr. Charles F. Wheelock, assistant commissioner for secondary education, says under date of October, 1920: "No central body, such as the Board of Regents, has authorized local school boards in the state to dismiss children for two hours per week for religious education in the church of their choice, nor has the Board of Regents forbidden this; the fact being that the state educational law gives local school boards the power to fix the curriculum, and this matter of excusing pupils for religious education is therefore entirely within the province of the local board."

Stein vs. Board of Education, City of Mt. Vernon, 1925.

Motion for injunction to restrain school board from allowing pupils of the fifth and sixth grades of the public schools of the City of Mt. Vernon, New York, to be excused from school instruction for forty-five minutes once in each week for the purpose of enabling them to receive instruction in the churches to which their parents desire them to be sent.

Also a motion to enjoin the defendants from having printed any more cards to be filled in by the parents and from having printed any more cards to be filled out by the teachers of religious instruction. . . .

Affidavits also show that the printing of the before mentioned cards was done in the School of Industrial Arts of the City of Mount Vernon as an exercise for the boys. That the only expense was the purchase of the cards, amounting to $2.87 which was paid by the Committee on Week-day Religious Education.

It therefore appears that the cards were printed during school hours. That the presses and property of the City were used for the purpose, although the cards were not furnished by the City or paid for out of public funds.

The cards hereinbefore mentioned were printed during school hours upon the presses and upon the property and premises of the Board of Education or the city. The action of the defendant was to that extent unlawful and in violation of Article IX, Section 4 of the State Constitution.

"The fact that no particular denomination was favoured or intended so to be by this action of the Board of Education does not affect the question. It seems perfectly clear that it was illegal for the defendants to permit the printing of the cards to be done on its premises.

"I find nothing whatever in the Education Law

authorizing either the Board of Education, the State Commissioner of Education, or the Education Department, to change, limit, or shorten the time of attendance of pupils in public schools, except the provisions of Chapter 689, Laws of 1917 . . . aiding and performing labour in the cultivation, production, and care of food products upon farms and gardens within the state.

"The Education Law, Sec. 620, prescribed the instruction required in public schools. Religious instruction is not one of them. Consequently it would be unlawful.

"There is another objection to the plan. The pupils who leave the school weekly for religious instruction are likely to fall behind those that remain the full time as they are deprived of the instruction given during that period.

"Neither can this plan be justified from the standpoint of necessity for the pupils to have time for religious instruction."

Injunction applied for was granted by Judge Seager, Supreme Court, Westchester County, July, 1925.

Lewis v. Board of Education of White Plains.

Application for Mandamus by Joseph Lewis, President of the Free Thinkers' Society, sought to compel State Commissioner F. P. Graves to discontinue "school time for religious education" in

White Plains and also to have State Commissioner notify all school officers of districts and cities to discontinue the practice.

The board of White Plains, or any other school board, and the Commissioner in their exercise of discretion in the determination that a rule, which accedes to the request of parents to excuse their children thirty minutes a week for religious instruction, constitutes an absence not amounting to irregular attendance in the fair meaning of the term, may properly give consideration for their guidance and sound judgment to the utterances of the United States Supreme Court and to the appealing weight of the following propositions:

"That the right of the parent to direct the training and nurture of the child is a fundamental right;

"That the obligations of citizenship require the promotion of a spirit of patriotic and civic service and the fostering in children of moral as well as intellectual qualities;

"That the religious conscience, conviction, and accountability, are the least dispensable foundations for good citizenship and real patriotism;

"That moral growth and intellectual growth go hand in hand to make the essential elements of character and good citizenship;

"That the right of the State to enforce school attendance does not mean that the mental and moral development of all children nust be limited to a com-

mon mould, and that all children must be standardized;

"That the regulation does not create a union between church and State, or teach any sectarianism in the schools, or invade the religious freedom or conscience of any individual."

"I hold that the excusing of children at the request of their parents for the period and purpose stated by a general regulation of the Board of Education of White Plains was an act within the power of said board in its exercise of its judgment and discretion; that the determination of the board that such regulation comes within the provision permitting occasional absences not amounting to irregular attendance within the fair meaning of the term was not an abuse of its discretion in that regard; that the regulation was made in accordance with and not in violation of law; that the Commissioner, in the exercise of his powers and in his discharge of his duties, has no clear right or positive duty to act contrary in the premises, and that, a discretionary power having been lawfully exercised, a mandamus order cannot issue to revoke or annul the action taken. The application is denied."

(Justice E. J. Staley, April 24, 1926.)

Decision of Commissioner of Education of Massachusetts with Regard to Public School Time.

State Commissioner Payson Smith reports: "This Department has ruled in view of the Constitution

and the General Laws that pupils cannot be excused to attend religious instruction during the school hours as our laws say that children shall be in attendance at school 'for the entire time schools are in session.'" (Quoted from letter, 1927).

Public School Time. Decision of Commissoner Butterfield.

New Hampshire (1925).

Time permitted in some instances.

As summarized by Commissioner E. W. Butterfield, the religious education project in New Hampshire has been to have children in public schools given instruction in religion for two hours a week in schools to be organized by the churches, the work done to "be given public school recognition as a recognized part of the education prescribed by law." It is proposed further "that children of parents whose sects are not able to provide these schools, or of parents who do not wish their children taught denominational tenets, must remain in the school building with the teachers engaged in supplementary work not required of children of theological families."

Commissioner Butterfield declared: "I am opposed to this plan for two reasons: first, it is inequitable and in administration it will fail; second, the plan is opposed to the spirit of American democracy. As a matter of educational administration, my two ob-

jections to the proposed plan of week-day religious instruction on school time are these:

"(1) We cannot justly spare the two hours a week to dismiss children in the hope that all will go to some church school and there be given high-grade instruction.

"(2) We can doubtless dismiss all pupils for two hours a week but we cannot in any way be responsible for attendance, for quality of religious instruction, nor can we credit results secured by teachers in schools organized to teach sectarian religion and that alone."

(*School and Society*, July 18, 1925.)

Public School Time. Decision of Attorney-General of West Virginia.

West Virginia (1926).

Assistant State Superintendent T. P. Hill reports: "In the past it has been customary to grant excuse from public schools to receive religious instruction in a number of schools in West Virginia but this question has been submitted to the Attorney-General asking whether or not such a practice is within the law of our state."

Opinion (in part) of the Attorney-General, March 15, 1926.

"We cannot see wherein school authorities can enter into any kind of an arrangement whereby the children of schools supported by the State can divide their time between the State and Church *within the*

time required by statute to be in the public schools for instruction. Furthermore, it may be that facilities are not at hand for all religious creeds."

Compulsory Education Bill of Oregon, 1922, and Legal Decisions Relative to this Bill.

Compulsory Education Bill, 1922. Purpose: "Requiring any parent, guardian, or other person having control, charge, or custody of a child over eight and under sixteen years of age, from and after September 1, 1926, to send such child to a public school during the entire school year, excepting: (a) children physically unable; (b) children who have completed the eighth grade; (c) children between the ages of eight and ten living more than one and one-half miles, and children over ten years of age living more than three miles from a public school, except when transportation is furnished; (d) children taught by parent or private teacher."

Constitutionality of the Compulsory Education Bill. Federal District Court for the District of Oregon.

Society of Sisters, etc. v. Pierce (Gov. of Ore.) et al., and Hill Military Academy V. Pierce et al.

Bill declared unconstitutional by decision renderd March 31, 1924. It was unanimous, Judges Wolverton, Gilbert, and Bean composing the Federal District Court.

The decision report: "Compulsory education being

the paramount policy of the state, can it be said, with reason and justice, that the right and privilege of parochial and private schools to teach in the common school grades is inimical or detrimental to, or destructive of, that policy? Such schools and their patrons have the same interest in fostering primary education as the state, and appropriate regulation will place them under supervision of school authorities. So they will not escape the duty of proper primary instruction. No one has advanced the argument that teaching by these schools is harmful, or that their existence with the privilege of teaching in the grammar grades is a menace, or of vicious potency, to the state or the community at large, and there appears no plausible or sound reason why they should be eliminated from taking part in the primary education of the youth. It would seem that the act in question is neither necessary nor essential for the proper enforcement of the state's school policy. The desire of the legislature to foster a homogeneous people with American ideals prepared readily to understand current discussions of civic matters is easy to appreciate. Unfortunate experiences during the late war and aversion toward every characteristic of truculent adversaries were certainly enough to quicken that aspiration. But the means adopted, we think, exceed the limitations upon the power of the state and conflict with rights assured to plaintiff in error.

"So it is here, in our opinion, the state, acting in its legislative capacity, has, in the means adopted, exceeded the limitations of its power—its purpose being to take utterly away from complainants their constitutional right and privilege to teach in the grammar grades—and has and will deprive them of their property without due process of law.

"The motion to dismiss will be denied, and a preliminary injunction will issue, restraining the defendants from threatening or attempting to enforce the act complained against."

Decision of the United States Supreme Court on the Oregon Compulsory Education Bill.

The case was appealed to the United States Supreme Court. Justice Reynolds delivered the decision of the court (June 1, 1925).

". . . No question is raised concerning the power of the state reasonably to regulate all schools, to inspect, supervise, and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare.

"The inevitable practical result of the enforcing of the act under consideration would be destruction of Appellees' primary schools, and perhaps all other

private primary schools for normal children within the State of Oregon. Appellees are engaged in a kind of undertaking not inherently harmful, but long regarded as useful and meritorious. Certainly there is nothing in the present records to indicate that they have failed to discharge their obligations to patrons, students or the state. And there are no peculiar circumstances or present emergencies which demand extraordinary measures relative to primary education. . . . The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." (Vol. 268 U. S. Supreme Court Reports, Page 510; 69 Law. Ed. 1070.)

Legal Decision in Washington State with Regard to High School Credit for Bible Study.

State ex rel. Dearle v. Frazier (1918, 102 Wash. 369, L. R. A. 1918 F, 1056, 173, Pac. 35) American Digest 1918, Vol. 5A.

Regarding credits for outside Bible study, the furnishing of an outline, setting of examination, reading of papers, determining of credit to be given for

study of historical, biographical, narrative, and literary features of Bible, is "religious instruction," within Const. Art. 1, Sec. II.

"To give credit in public schools for study of historical, biographical, narrative, and literary features of Bible pursued under sectarian agents is to give credit for sectarian teaching and influence contrary to Const. Art. 9, Sec. 4."

Reports, Plans, and Constitutions of Week-day Religious Schools.

The Week-Day Religious Schools of the Calumet District of Northern Indiana

By Nathaniel F. Forsyth

Like a fairy tale, or a fast moving romance, reads the story of the beginnings and development of the Calumet District Schools.

Six years ago, week-day instruction in the Calumet District, outside of Gary, was an idea only. To-day the district council employs a full-time superintendent, two full-time and 165 part-time teachers, has 6,000 children attending 189 classes twice a week from October 1st to May 1st, and will expend $20,000 all of which is raised by the six communities in which the schools are conducted.

Around the Southern end of Lake Michigan and adjacent to Chicago extends one of the great industrial regions of the world. In Hammond, Whiting, East Chicago, Indiana Harbor, Porter, Chesterton, and Michigan City week-day classes have been established. Nowhere is the need greater, or the challenge more compelling than here.

Growing out of the report of the local Federation of

Churches in 1919 that a religious education program should be established, the schools have grown steadily from 1,400 pupils the first year (1919) to the present enrollment of 6,000 children.

From the outset the classes have been on an inter-church basis; the churches expressing themselves through the Council of Religious Education. The schools have had a continuous and constantly increasing enrollment for six years, so that they begin to have the earmarks of permanency.

The classes have developed in the several coöperating communities with such modifications as were necessary because of local conditions. This holds true with regard to the membership of the Committees of direction, the buildings in which the schools have been held, the method of financing, the grouping of the children, the employment of part-time or full-time teachers, etc. There is as much variety in these matters in these six communities as there is difference in the communities themselves. That is to say the schools have grown up in terms of the conditions which obtain in each local community.

The curriculum used is closely graded; and frequently religious education classes are organized for each public school grade, beginning with the kindergarten and extending through high school.

The teachers are paid on about the same salary basis as in the public school. They are required to be as well trained as public school teachers and to be active church members. Many of them are public school teachers, who are given special training and employed for this work. These trained teachers undertake to help the children develop religious attitudes, habits, and practices, which will be properly grounded in information. Practice in right living is encouraged and directed so that religious lived

boys and girls are developing. We need tests[1] to discover what growth is taking place, but observation suggests that the week-day religious schools are teaching boys and girls to live religiously.

Nor is the Bible slighted, for proper emphasis is given biblical material in the lessons which teach boys and girls how to live religiously. The Abingdon texts are used throughout the classes.[2]

Worship is definitely emphasized in all the schools. Not less than one third of the instruction period is given over to planned worship. The length of the entire instruction period is thirty minutes for grade pupils, and forty-five minutes for high school. Good hymns, adapted to each school grade, are taught, and carefully selected memory work is given its proper emphasis. Many children who attend Sunday School, as well as many who have never received any formal religious instruction, attend the classes. The week-day classes undertake to supplement the worship instruction of those who attend Sunday School, and to teach those who do not attend on Sunday, so that they will all be at home in churches and Sunday Schools. This year the names of 1,500 children who receive no other formal religious nurture, save the week-day instruction, were put into the hands of the proper religious leaders of the district, Jewish, Catholic, and Protestant.

The lessons have been planned so that they will supplement and not supplant the already existing religious education agencies in the community.

There are those who say that they are not interested in a program whose curriculum teaches what may be termed the "least-common-denominator." Usually the pronuncia-

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[1]Teachers College research in this field.

[2]For critical statement concerning this, see Miss Case dissertation.

tion of this phrase is such as to attempt to cast a stigma upon the inter-church point of view.

May we not examine what may properly be included in the phrase "least-common-denominator":

1. God: Whatever the race has learned of God in His relation to men is common to all. No group has a monopoly on the concept of the fatherhood of God.
2. The teachings of Jesus are common: The differences between men are largely theological and much of the difference centres round the interpretation of the person of Christ and not around what He taught.
3. The Kingdom of God.
4. The basic ethical virtues:
    a. Justice
    b. Honesty
    c. Mercy
    d. Helpfulness
    e. Breadth of sympathy
    f. Social well being
    g. Righteousness
    h. Respect for the law, etc.

We believe this least-common-denominator worth teaching, and that it is possible through it to supplement the denominational emphasis of each particular church. The denominational interests are, or ought to be, minority interests, and the churches are able to give whatever specifically denominational instruction needs to be given the regular Sunday School.

Week-day religious instruction on an inter-church basis ought to be developed to supplement the Sunday Schools and the public schools and so develop an American system of education, safeguarding the principle of the separation of church and state, and at the same time providing instruction in the three R's and Religion.

In Whiting, Hammond, and Indiana Harbor the entire budget for the program is included in Community Chests. In Porter, Chesterton, and Michigan City, the funds are raised by community campaigns, in which members of churches and other citizens, as well as parents, help pay the expenses of the schools. Financing the school has not been easy. It has been done, however, and as the community understands the purposes and results of the schools, the money is raised with greater facility.

The pupils like the classes. Over a period of six years the percentage of attendance averages nearly as high as that of the public schools. In one public school classroom, the question was recently raised how many in the room have attended the week-day religious education classes for five years. Thirteen boys and girls stood up.

In two of the communities pupils are excused two periods a week to study religion. In all other communities they attend before and after school, that is, on their own time. Most of the classes are taught in public school buildings before and after school, although some are held in near-by church and settlement buildings. The percentage of attendance noted above indicates interest, for no pupils are required to attend, in fact only those pupils whose parents make the request in writing are permitted to attend.

The enrollment in Hammond (1923–1924) when the number enrolled was approximately what it is now, was distributed by denominations as follows: Catholic 346; Methodist 297; Disciples 288; Baptist 149; Lutheran 80; Evangelical 48; Nazarene 31; Episcopal 29; Christian Science 10; Bible Students 5; Salvation Army 5; Protestant 4; The Mission 4; Pentecostal 2; Congregational 2; Dunkard 1, Zion 1, No record 298; enrolled but untaught because of insufficient funds 560; no church or Sunday School

337; Total 2,700. These pupils represented twenty-five nationalities.

Certain indications of religious growth suggest the worth of such instruction. The following incidents were reported by teachers:

"Religious instruction has been the means of helping to establish a sense of honour and truthfulness in boys and girls who could not be reached during the regular school hours. For example: 'A certain boy when questioned as to some wrong, would never admit his guilt, but repeatedly denied any knowledge of the affair. During an open discussion on such things in the religious instruction class, he spoke up and cited a certain instance where he had told a falsehood to shield himself. The other children of the class were much surprised to hear him openly admit his guilt, and say that he intended to tell the truth in the future.' This had an influence on many others, both in and out of the class, as this boy is a leader among the boys."

A teacher of a second grade class tells these incidents: "Having made a study of the home and the part children play in helping to make the home a happy place, one little girl made a promise to wash the dishes every evening. Before our study she would do most anything to avoid helping with dishes, but now insists upon doing them alone each evening.

"A little boy who objected to helping to care for his baby sister decided that it was part of his duty, so now spends a certain amount of time daily looking after little sister in order that mother may have a rest."

A teacher of an older group tells the following story: "A box of candy hearts, costing a penny, was taken from

one of the children's desks. I was unable to find out which one of the children had taken them. That afternoon a little youngster came to school with two boxes, one for the little girl from whom he had taken the box, the other, I suppose, was intended as a 'Peace Offering.' While I had talked to the children about it not being the right thing to do—taking something that did not belong to them—the point that Albert considered was that we had been learning in Bible class that God saw everything we did, even though our classmates or teacher didn't and he decided to admit that he had taken it."

The following excerpts from the reports of a teacher of first grade children are of interest. They cover a period of four months.

November. Enrollment 34, per cent. of attendance 94.

"The children have learned a number of songs and seem to like those that sound like church music the best of all. A number of children thought out their own 'thank you' prayers and prayed during the worship program. Two little boys wanted to fight, but told me they had decided to be friends because God liked boys who were kind. A little girl told a lie but later confessed saying that 'God inside of her' made her tell the truth. A number of children noticed the pretty days God had sent during November. We are too young to do much service except to help our mothers all we can."

December. Enrollment 38, per cent. of attendance 90.

"During December we learned the Christmas spirit of giving with love, and giving yourself when you give.

"We hope to begin the new year with obedience for our theme. This is a virtue which seems to be sadly neglected in our children."

January. Enrollment 34, per cent. of attendance 94.

"The children respond more readily when 'Thank' prayers are called for, several children asked to lead in these little prayers.

"In the beginning only seven children volunteered to tell the review stories. Now only six have not yet responded without being urged, and there are more than thirty children in the class.

"Special emphasis has been laid upon reverence, in church and at home, and respect for those older. Especially have we emphasized reverence during prayer.

"They seem more thoughtful of one another and very often you hear a little boy who has been unusually rough in his play tell his little partner he is sorry and will try to play better.

"We are so young that the only service we can render is helpfulness at home and at school.

"We intend to be good Americans next month."

February. Enrollment 33 (1 moved away), per cent. of attendance 96.

"The children seem very eager to retell the stories, especially the Bible stories. If we let them tell all they wanted to, we could keep them interested for hours, it seems.

"This is February and good Americans are being trained. During school I did not think and put a naughty boy's name under the flag. Immediately the children said it should be taken away and put in another corner. No boy who was naughty and disobedient was a good American.

"Good American citizens do not throw paper or orange peelings on the sidewalks or on the playgrounds, nor do they quarrel and fight out on the playground. We really seem to be learning what a real American citizen should be.

"We are going to try to be 'clean' in speech especially, next month."

The emphasis on week-day work is only part of the program conducted by the Calumet District Council of Religious Education.

Probably the Sunday Schools of the district are average. No better, no worse than other Sunday Schools in various parts of America with which the writer is familiar. Unless the standards of our Sunday Schools can be raised, the week-day program is apt to defeat itself. Pupils who receive religious instruction with high standards in the week-day classes will not be content with poor teaching in the Sunday School. During the past six years the Calumet District Council of Religious Education has conducted eleven Normal Schools and Institutes of Religion, undertaking to improve the Sunday instruction of the District. To train Sunday School teachers is the immediate problem. To this task the District Council dedicates itself, confident that results secured in these training classes point the way.

Home religion is being promoted. There is danger in efficient religious education schools. Parents may feel that they may properly farm out the religious nurture of their children. This must never happen. The home must be the centre of religious instruction, and the Sunday School and week-day classes working together should help the home do its task and not shoulder the home's task for it. To this end, mother's clubs and classes, with carefully worked out study courses, are being organized to help young mothers, and mothers who face the problems of older children, to help their boys and girls in the home develop religiously. Eight hundred parents are enrolled in coöperating clubs at the present time.

The Calumet District Council of Religious Education faces to-morrow with hope.

Week-Day Religious Education in the Public Schools of Salina, Kansas

The present organization for Week-Day Religious Education in the public schools of Salina, Kansas, grew out of the continued interest of the people of the Protestant churches in this type of work after two previous unsuccessful efforts to put this work upon a satisfactory working basis.

The immediate occasion of the present plan was a petition signed by all Protestant ministers of the city and presented to the Board of Education in May, 1922. The substance of this petition was to the effect that the Protestant churches in the city of Salina proposed to offer courses in Religious Education to all pupils of the public schools whose parents would elect for such children such courses of religious education, and in order that such a plan might be carried out the petition asked at the hands of the Board of Education an amount of time for each pupil so electing such course, equal to one twentieth of the total school time each week.

The petition very naturally raised some very interesting questions with the board, and after some deliberation, it was voted by the Board of Education to refer the petition to Superintendent W. S. Heusner for purposes of investigation and study.

A study of the situation now existing in this country regarding Week-Day Religious Education revealed the fact that out of a great variety of plans there are emerging two plans of religious education.

(a) The Community Plan of Religious Education.
(b) The Denominational Plan of Religious Education.

Even a cursory study of the situation and the evidence offered by the effects of these two prevailing plans leads one almost inevitably to the conclusion that of the two plans the Community Plan of Religious Education is to be preferred.

The limits of this statement do not permit me to go into any discussion of the reasons for this. Anyone interested in a study of these two plans is referred to "The Week-Day Church School" by Henry E. Cope, or, is referred to Dr. John Stout, Professor of Administration of Religious Education, Northwestern University.

I may very properly state at this point that there are developing some very interesting and fundamental differences of opinion as to the advantages or disadvantages of either of these two prevailing plans of religious education.

Following a study of the general situation a rather close study was made of local conditions with the result that the superintendent, despite his personal preference for the Community Plan of Religious Education, recommended to the Board of Education the granting of the petition referred to above, which petition contemplated the establishment of religious education upon the denominational basis.

The Superintendent recommended to the Board of Education that the petition be granted upon the following conditions which were to be met by every Protestant church offering the course in Religious Education.

1. The provision of an adequate and well-graded Course of Study.
2. The proper physical equipment of classroom for the purpose of instruction.
3. The securing of teachers for the work in Religious Education who, in experience and educational

qualifications, are to be the equal of teachers in the public schools.

4. The adequate supervision of the entire work in Religious Education.

The Protestant ministers of the city, acting in a body, accepted these conditions set by the Board of Education, and in order to carry out the conditions thus set for them, organized a board of Religious Education. This, of course, is a voluntary board and consists of a clergyman and a layman from each participating church.

In the administration of this work the determination of the conditions set by the Board of Education is in the hands of the Superintendent of the Public Schools. This is insisted upon by the Board of Education of the City of Salina, upon the ground that the granting of the time asked for in the petition is conditioned upon the creating of conditions in the schools of Religious Education under which the time of the children participating will be as profitably employed as it would be in the public schools of the city.

After these preliminaries were adjusted, the next problem was to bring the participating churches to a realization of the job they had undertaken. One of the most significant facts in connection with the whole movement has been that the participating churches have been most definitely embarrassed by the wealth of opportunity which has presented itself, particularly, with regard to the number of children enrolling.

The enrollment of the children is based upon the filing of a request by the parent of the child for the privileges of religious education, a form for such purpose being furnished by the Board of Education.

Every effort has been made to impress upon parents the idea that the opportunity for religious education is a privilege extended by the Board of Education, which privilege,

of course, may be cancelled at any time by the failure of the pupil to take proper advantage of the opportunity afforded.

It is very gratifying to report at this time that with a few well-chosen exceptions, for which there is ample justification, the participating churches met the conditions set by the Board of Education willingly and completely.

Even more gratifying is the response of the patrons of the public schools to the opportunity for Religious Education offered by the churches. At the present time, the reports at this office show that practically 95 per cent. of the children enrolled in Grades 1–8 inclusive of the public schools of the city are enrolled in the classes of Religious Education. The enrollment has steadily increased with each year that this plan has been in operation.

Another gratifying feature in the work up to this time is the fact that not a single criticism of any serious nature has been raised either against the plan or its administration. There is very distinct evidence of growing satisfaction on the part of patrons with the work done in the Schools of Religious Education.

Perhaps two points in the general plan of administration may be of interest:

1. For the purpose of carrying out the plan, children in grades 1–8 inclusive, are divided into four groups, each group consisting of two consecutive grades.

   Each group has one fourth of a day for the work of Religious Education.

2. The Question that is already invariably asked first with regard to the plan is: "What do you do with children whose parents do not elect to have them attend schools of Religious Education?"

These children are kept in the public schools while their classmates are attending the schools of Religious Education, and under the direction of the public school teachers, are during that time given a course in "Citizenship and Patriotism," which course has been worked out after two years of experience, by a committee of teachers of the Salina public schools. This course is based upon a variety of material, some of which is selected from textbooks in the hands of pupils, and much of which is found in supplementary texts furnished by the Board of Education.

The adequacy of the course of study offered in the several churches is passed upon by the superintendent of the public schools of Salina. There is no attempt to pass judgment upon the content or teaching of the course, but very careful attention is given to the question as to the organization of the course and its adaptability to children of different ages.

Very naturally, the most troublesome problem was the problem of securing teachers of adequate training and experience as set forth in the conditions laid down by the Board of Education. But the condition has been very promptly and successfully met and has been productive of a fine type of coöperation among the churches. There are several cases where churches lacking the proper teaching personnel have sought the help of teachers available from other denominations.

The supervision of the work of the schools of religious education is one of the most difficult problems to work out. At the present time it is carried out in the following manner: The supervision is really not sufficiently centralized to secure the best results. The board of religious education at the request of the superintendent of the public schools appointed from among its membership a committee of persons who had had experience in teaching. This com-

mittee visits the several schools of religious education each six weeks and submits a written report to the superintendent of schools. In addition to this, the superintendent of schools arranged that teachers of the public schools, who by reason of the absence of their pupils at the schools of religious education, are not employed, are asked to visit schools of religious education and make written reports of their observations to the superintendent. The superintendent of the public schools visits the schools of religious education as frequently as his other duties will permit.

In setting forth the above plan there is no claim that it is a perfect plan, nor would I for one moment give the impression that we have successfully solved all the problems of administration incident to this effort. But we have at least made a very auspicious beginning, and we sincerely feel that we are rendering a very effective and a very important service to the boys and girls of Salina.

W. S. HEUSNER,
Superintendent Public Schools.

February 21, 1925.

WEEK-DAY SCHOOL OF RELIGIOUS EDUCATION, WHEELING, W. VA.

Explanation of the Plan

1. The second to the eighth grades, inclusive, are included in the scope of the plan.

2. Each child whose parent or guardian signs the required card will be excused from school classroom for one hour each week during the school year. No other signature than the above will be accepted. If parent is unable to sign the request, it should be made in person to the principal of the building which the child attends, or to the Superintendent of Schools. Sixty per cent. (60%) of the

enrollment must present requests for permission to take this work.

3. All of these children will be excused on the same day, the children of the different grades going to their respective churches at different hours.

4. Children who are not excused to go to the churches will spend the hour as a study period in the schoolrooms under the supervision of their public school teachers.

5. In these Week-day Schools of Religious Education the same standards of Attendance, Punctuality, and Effort will be required as in other school work. Tardiness, absence from class, or misdemeanour will be handled in exactly the same manner.

6. The physical equipment of the church classrooms, and the conduct of the class work, will be under the inspection of and subject to the suggestions of the Superintendent of Schools.

7. The subject matter taught in the church schools will be entirely under the control and direction of the authorities of the respective churches.

8. The public school authorities reserve the right to deny the privilege of attending week-day religious school to any student whom the religious teacher reports is not acceptable.

Official Constitution and By-Laws of the Week-Day Religious Education Association

Rochester, N. Y.

1. The name of this organization shall be The Southeast Section of the Week-day Religious Education Association of Rochester.

2. The aim shall be to provide, under the direction of the churches of the community, opportunity for all the pupils of the public schools of this section of the city to receive regular week-day instruction in the Bible and the Christian Religion to the end that the pupils may be qualified for Christian living in Home, School, Church, and State.

3. The organization shall consist first of a Council composed of the pastor and two other representatives from each coöperating church. The two representatives shall be chosen by the individual congregation in such manner as they shall decide, for a term of two years. At the initiation of this plan, one of the representatives shall be elected for one year and the other for two years.

4. The Council shall by ballot elect its officers, viz.; President, Vice President, Secretary and Treasurer, who shall serve for a term of one year, or until their successors are legally elected. These officers, together with one member from each coöperating church elected by the said Council from its own members, shall constitute the Executive Committee.

5. A quorum of the Council shall consist of one or more representatives from half the coöperating churches, but shall not be less than twelve in the aggregate. A quorum of the Executive Committee shall consist of any five members of the committee.

6. The Annual Meeting of the Council shall be held on the first Tuesday in the month of May of each year, at such place as the President of the Council shall determine, and notice of such meeting and its place shall be sent to the members of the Council at least two weeks in advance

of the meeting. Special meetings may be called at any time by the Executive Committee.

7. Amendments to the Constitution shall be proposed at one meeting of the Council in written form and shall be voted on at the next meeting of the Council. A copy of proposed amendments shall be sent to each member of the Council at least ten days before the meeting when they are to be voted on. Amendments shall require a two-thirds vote of the members present, for adoption.

8. Duties of the Council: A—To make a study of the principles and methods of religious education. B—To stimulate and educate public sentiment. C—To establish and maintain the system of Religious Education as outlined. D—By canvass or otherwise, to provide funds for the work of the Association.

Powers and Duties of Executive Committee

1. The Executive Committee shall have the general oversight and direction of the educational work of the organization.

2. It shall have the power to make and adopt, subject to the approval of the Council, rules for its own government and procedure, to keep records and coöperate with such educational institutions, either within or without the city, as may be interested in furthering the objects of the organization, and to appoint the necessary committees to carry out its plans.

3. It shall not have authority to expend any money of the organization except upon the approval of the Council.

4. It shall have authority to engage a Supervisor of Religious Education, to whom shall be assigned duties commensurate with the responsibilities of the office and

who shall be responsible to and coöperate with the Executive Committee in furthering its plans and purposes.

5. The Executive Committee shall determine upon a budget adequate to care for a substantial and wholly creditable project. The budget shall be approved by the Council at one of its meetings.

6. It shall conduct a survey adequate to meet the practical needs of the Executive Committee in setting up its own organization and in carrying through its program.

7. It shall select and employ a Faculty, determine courses of study, textbooks, provide suitable housing and equipment, determine educational standards for the school, correlate the work of the week-day school with that of the Public and Church Schools. All matters pertaining thereto shall be subject to the approval of the Council.

8. It shall have authority to launch and maintain a system of week-day schools of religion for all children and to enlist the active coöperation of all parents in this project.

9. It shall arrange if possible for the establishment of Reference Libraries on Religious Education and encourage their use.

10. It shall make at the Annual Meeting in the month of May, a detailed report to the Council and make constructive recommendations to be carried out by other commissions of the Council.

Wilkinsburg Constitution

ARTICLE I. NAME

This organization shall be known as The Wilkinsburg Council for Week-Day Religious Education.

ARTICLE II. OBJECT

The Object of this organization shall be the providing of week-day religious instruction for the children of the community.

ARTICLE III. MEMBERSHIP

The Membership of this organization shall be based upon three representatives from each of the coöperating churches, namely the Pastor, a layman and a lay-woman.

ARTICLE IV. ORGANIZATION

The Officers of this organization shall be a President, Vice President, Secretary, and Treasurer. The foregoing officers, together with the Chairmen of the Standing Committees, shall compose the Executive Committee. The following Standing Committees will assist the Executive Committee in its work: Finance, Curriculum, and Promotion, and such other standing committees as may be needed.

The Finance Committee shall prepare the annual budget and allot the same to the coöperating churches, subject to their approval and that of the Executive Committee.

The Curriculum Committee shall nominate the teachers and supervise the course of study to be followed, and coöperate with the Board of Education, subject to the approval of the Executive Committee.

The Promotion Committee shall use every possible agency for securing the fullest coöperation of the churches, parents, and children, subject to the approval of the Executive Committee.

ARTICLE V. MEETINGS

The Regular Meetings of the Council for Religious Education shall be held at 7:30 P. M. on the second Monday of alternate months, beginning with September and ending with May. The Annual Election of Officers shall be held at the May meeting.

Special meetings of the Executive Committee or the Council may be called by the President, written notice having been given each member.

ARTICLE VI. QUORUM

Representatives from two thirds of the coöperating churches shall constitute a Quorum.

ARTICLE VII. AMENDMENTS

This Constitution may be amended by a two-thirds affirmative vote of the members present at any meeting of the Council, provided such amendment has been submitted in writing at a previous meeting.

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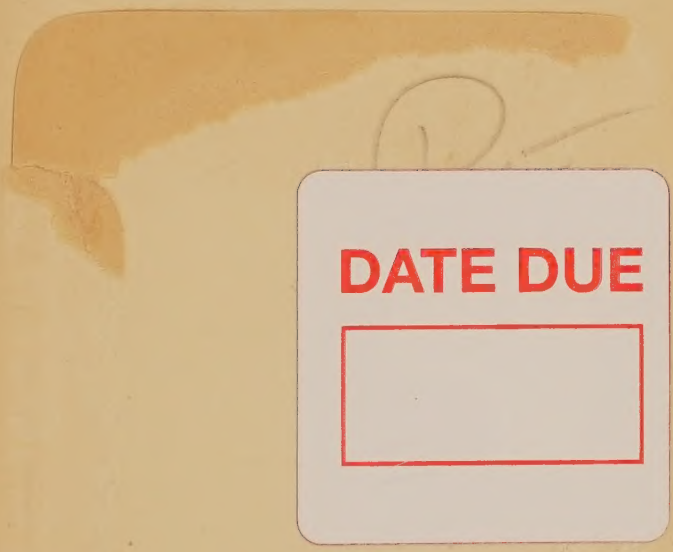

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